United Nations

Advisory Committee on Administrative and Budgetary Questions

# Second to Tenth Reports on the Programme Budget for the Biennium 1996-1997

General Assembly
Official Records • Fifty-first Session
Supplement No. 7 (A/51/7/Add.1-9)

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# NOTE

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## DOCUMENT A/51/7/Add.1

### Second report

### Programme budget for the biennium 1996-1997

[Original: English]

[9 October 1996]

1. The Advisory Committee on Administrative and Budgetary Questions has considered the progress report of the Secretary-General of 28 August 1996 on the programme budget for the biennium 1996-1997[1] submitted pursuant to paragraph 2 of General Assembly resolution 50/230 of 7 June 1996. During its consideration of the report, the Advisory Committee met with representatives of the Secretary-General, who provided additional information.

2. The report of the Secretary-General follows the one he submitted on 28 March 1996[2] pursuant to section II, paragraph 7, of General Assembly resolution 50/214 of 23 December 1995. The background to the first report is set out in paragraphs 2 to 6 of the related report of the Advisory Committee.[3] In paragraph 8 of that report, the Committee stated:

> "8. ... the Secretary-General was entrusted with the task of making proposals for possible savings in the proposed programme budget for the biennium 1996-1997 for the consideration of the General Assembly, while at the same time ensuring that the savings would not affect the full implementation of mandated programmes and activities. The report of the Secretary-General of 28 March 1996 is general in nature and attempts, in the short span of time available, to make a first response to the Assembly's request in paragraph 7 of its resolution 50/214. The Secretary-General informed the Advisory Committee that a more detailed report would be submitted to the Assembly at its fifty-first session. The Committee trusts that, in his further reporting, the Secretary-General will pursue an integrated approach, bearing in mind the other reports requested of him by the Assembly in its resolution 50/214 ... In this regard, the Committee trusts that efficiency measures, where feasible, will be applied uniformly throughout the Secretariat."

3. As indicated above, the report issued by the Secretary-General in March 1996[2] was an interim report, and in it he informed the General Assembly that an overall reduction of approximately $140 million appeared feasible at that stage. In its related report,[3] the Advisory Committee concluded that:

> "39. It is evident from the report of the Secretary-General, the summary therein and testimony of his representatives that reductions of the magnitude called for cannot be achieved without service reductions and delays in postponement of programmes. ... The Advisory Committee believes therefore that the most important fact to be considered is the difficulty in fully implementing General Assembly resolution 50/214 as envisaged.
>
> "40. Moreover, it is not at all clear to the Advisory Committee that the projected level of $140 million in savings forecast in the report of the Secretary-General can actually be achieved. ... If the paramount goal is to achieve cost reductions of the magnitude thus far specified, then to avoid a general deterioration in the quality of virtually everything the United Nations now does, a review of programmes must begin, so as to allow

priority activities to be carried out. The Committee believes that the relevant intergovernmental bodies should review the programme of work for the biennium 1996-1997 with a view to providing the Secretary-General with clear guidance for inclusion in his next report.

"41. In this connection, for a number of years the Advisory Committee has pointed to the need for the greater involvement of specialized bodies in the planning and programming process in the area of their respective competence (see for example paras. 71 and 72 of the Committee's first report on the proposed programme budget for the biennium 1996-1997.[4] In the opinion of the Committee, a dialogue must ensue and both the Secretariat and the relevant legislative bodies must know what to expect from each other in the coming months if the debate at the fifty-first session in the context of the next report of the Secretary-General on the matter is to produce real results."

4. In its resolution 50/230, the General Assembly, having considered the interim report of the Secretary-General[2] and the related report of the Advisory Committee,[3] endorsed the conclusions and recommendations of the Committee, requested the Secretary-General to submit a report containing proposals for achieving savings as called for in Assembly resolution 50/214 in the manner indicated in paragraph 16 of the report of the Committee[3] and also requested the Secretary-General to ensure that, until his report was considered by the Assembly, all mandated programmes and activities were implemented in full. Having considered the latest report of the Secretary-General, it is clear to the Committee that little has changed. Indeed, the present report of the Committee should be read in conjunction with the related report[3] (referred to above) since many of the observations and conclusions are still valid and should be reiterated.

5. Although in paragraph 14 of his current report[1] the Secretary-General indicates that an additional $14 million in savings can be realized (thus bringing the total to the amount required by the General Assembly in its resolution 50/214), the basic dilemma - which is not entirely the fault of the Secretary-General - still exists, that is the need to achieve substantial savings without affecting the full implementation of mandated programmes and activities.

6. The theme of the report of the Secretary-General seems to be that savings can be achieved through programme changes and staff reductions and that the effect of these policies on the quality of programme delivery can be mitigated through efficiency gains. In the opinion of the Advisory Committee, however, the report of the Secretary-General does not substantiate that view. Moreover, as indicated in the paragraphs below, the report of the Secretary-General has not adequately addressed a number of specific issues, including:

(a) The question of vacancies, their composition and how they have been achieved;

(b) The extent of intergovernmental review;

(c) The question of additional mandates vis-à-vis General Assembly resolutions 50/231 and 50/232 of 7 June 1996;

(d) The question of deferred or postponed programmes.

## Programme changes

7. The dilemma faced by the Secretary-General and described in paragraph 5 above is apparent in paragraph 5 of the report of the Secretary-General,[1] where it is stated:

> "5. It may be recalled that the General Assembly decided that savings in the programme budget for the biennium 1996-1997 would not affect the full implementation of mandated activities and requested the Secretary-General, in making proposals for savings, to ensure fair, equitable and non-selective treatment of all budget sections. This policy guided the Secretary-General in the formulation of the March report and has been adhered to in formulating the present addendum to that report ..."

However, the Secretary-General also states in the same paragraph that:

> "... it is anticipated that the approved programme of work as contained in the proposed programme budget and modified by resolution 50/214 will be carried out in full subject only to the adjustments required to accommodate activities within available resources as detailed in the present report."

8. Although the proposed reductions are presented in what appears to be a programmatic format, very little information is available on the related budgetary consequences, on why these particular changes are being proposed or on the impact of these changes on programme delivery. It is recalled that in paragraph 16 of its report,[3] the Advisory Committee requested that the next report of the Secretary-General on this matter should contain sufficient detail to enable the General Assembly to take action in accordance with its resolution 50/214. However, in the opinion of the Committee, little progress has been made since the March report in substantiating the financial effect of proposed changes, and in analysing the impact of the proposed actions on programme delivery. The Committee points out that the Secretary-General needs to justify proposed reductions in the same way in which he would justify increases.

9. In a number of places, the report of the Secretary-General appears to raise more questions than it answers. The Secretary-General states in paragraph 10 of his report:

> "10. While the reduction of posts has a direct impact on the delivery of some services and outputs, reductions in non-post items have, in most cases, an indirect impact, potentially affecting mainly intermediate activities as opposed to final outputs. For instance, reductions in travel may affect data collection, research, consultations with Governments and participation in meetings. Reductions in consultants can affect such items as the scope of analysis required for reports and studies, and expertise required for specialized issues. Reductions in operating expenses affect the operation and maintenance of services, buildings and communications. Reduction in supplies can affect printing."

In the opinion of the Advisory Committee, the report of the Secretary-General has not made clear how the numerous deferrals, delays, postponements and cancellations in the approved programmes will affect the ability of the United Nations to carry out the mandates entrusted to it by the competent intergovernmental organs.

10. Moreover, the report of the Secretary-General does not make it clear whether the proposed programme changes are arbitrary or fortuitous, or whether

they are the result of a determination based on a qualitative analysis, either by the Secretariat or through intergovernmental review (see para. 21 below). In paragraphs 11 to 18 below, the Advisory Committee illustrates some of the problems it has encountered.

11. For example, under section 1 (Overall policy-making, direction and coordination) of the proposed programme budget for the biennium 1996-1997 as modified by resolution 50/214,[5] there will be delays in the completion of summary records of the meetings of the Panel of External Auditors and the special session of the United Nations Board of Auditors. In the opinion of the Advisory Committee, this is bound to have an impact on the timeliness of transmission of the Board's report to the General Assembly. The consequences of this delay on the ability of the Assembly to discharge its own functions have not been analysed.

12. Under section 3B (Peacekeeping operations and special missions), the Secretary-General states that there will be a reduction in the number of military observers deployed. No mention is made, however, of the Advisory Committee's recommendations, contained in paragraph II.31 of its first report on the proposed programme budget for 1996-1997[4] that "staff and non-staff resources for the United Nations Truce Supervision Organization (UNTSO) be kept under review so as to achieve maximum economy and efficiency and that the possibility of further reductions be explored".

13. The Advisory Committee notes, for example, that activities in section 4, subprogramme "Peaceful uses of outer space", include the "Reduction of one training course for participants from developing countries on remote sensing, communications, satellite meteorology and space science", while activities in section 7A (Department for Policy Coordination and Sustainable Development), C.2, programme A, "Sustainable development", include a reduction in the "capacity for statistical analysis on least developed countries for use by the Committee for Development Planning and for the development of a vulnerability index for small island developing States". The Committee therefore doubts whether the proposed changes are compatible with the terms of section II, paragraph 12, of General Assembly resolution 50/214, in which the Assembly requested the Secretary-General "to ensure that adequate resources are allocated in the 1996-1997 programme budget for activities specifically relating to the least developed countries".

14. Under section 10A (United Nations Conference on Trade and Development), for which savings of nearly $7.7 million are projected, there is no explanation at all as to how this reduction was arrived at or of its potential impact on the programme. The Secretary-General does indicate, however, that:

> "The programme of work of UNCTAD is currently being revised in light of decisions taken recently by the ninth session of the Conference. Upon its reformulation, the 1996-1997 programme of work will be submitted to the Trade and Development Board. It is anticipated that the revised programme of work as decided by the ninth session of the Conference can be implemented within the reduced level of resources, utilizing, inter alia, the gains from the efficiency review, which is currently ongoing."

The Advisory Committee understands that the Trade and Development Board is meeting in October 1996.

15. The proposed changes in section 26B (Office of Programme Planning, Budget and Accounts), subprogramme 1 (Financial accounting and reporting), include the

delayed publication of semi-annual financial statements and elimination of a number of financial statements. The report does not specify whether these changes were triggered by the vacancy situation in the Office and if so to what extent, or by other factors such as considerations of minimal usefulness for users or the introduction of the Integrated Management Information System.

16. The Advisory Committee also points out that the reductions in support services, proposed in section 26 (Support services, Headquarters), especially in electronic support services and conference services, may impede the implementation of programmes by substantive departments and result in delays, postponements and cancellations over and above those reflected in the report of the Secretary-General.[1] For example, reductions in help-desk operation and in operations and coverage of the maintenance facilities for the New York mainframe computer may trigger losses in productivity throughout the Secretariat. Furthermore, as the Committee pointed out in paragraph 20 of its report,[3] reductions in building maintenance programmes may well require a substantial increase in resource requirements for future budgets that will not be commensurate with savings to be achieved during the current biennium. In this connection, the Committee requested a list of maintenance projects to be deferred. This is reproduced as annex I to the present report.

17. Under section 26E (Conference services), reductions in translation capacity and publishing services may further delay the submission of documentation requested by the General Assembly. Cancellation of "provision for unscheduled meetings approved in the course of the biennium" will likely be of marginal benefit and may be disruptive, since such meetings are usually scheduled taking into account existing conference services capacity and are quite often called to consider programmes of work, budgetary, financial and other important matters. Therefore, the Advisory Committee reiterates its observations and recommendations with regard to the proposed reductions in support services outlined in paragraphs 17, 20, 22 and 37 of its report.[3]

18. The report of the Secretary-General[1] contains a number of modifications to previously approved activities, without indicating exactly the titles of the activities affected or the extent of the modifications. Upon request, the Advisory Committee was provided with information on modified activities whose titles were not specified in the report of the Secretary-General.[6]

19. In the opinion of the Advisory Committee, the programmatic changes proposed in the report of the Secretary-General would, in many cases, have been much better elaborated and substantiated if they were the results of reviews by the appropriate intergovernmental bodies. In this connection, the Committee recalls the statement it made in paragraph 40 of its related report[3] (see para. 3 above).

20. The Advisory Committee requested information on the programmatic reviews carried out thus far by intergovernmental bodies so as to achieve budget reductions. The reply is produced as annex III to the present report. This information would have been most useful if it had been integrated into the report of the Secretary-General. As can be seen from annex III, there has been some response, particularly from some of the regional economic commissions. For example, in the Economic Commission for Europe a number of the subsidiary bodies have discussed and approved or are discussing proposed changes that affect the approved programme of work in their area. For the Economic and Social Commission for Asia and the Pacific the changes in the approved programme of work were considered and endorsed by the Commission at its fifty-second session in April 1996. However it expressed concern at the impact of changes on

priority areas. The Economic Commission for Africa requested its Executive Secretary to revise the 1996-1997 approved programme of work in close collaboration with the Bureau of the Commission. As indicated in annex III, the Economic Commission for Latin America and the Caribbean took note of the reduction of outputs in the 1996-1997 approved programme of work. The Advisory Committee was subsequently told that during the twenty-sixth regular session of the Commission (15 to 20 April 1996), the secretariat informed Member States of the budget reductions for the biennium and of the corresponding outputs that were being terminated. The Commission was informed that the outputs corresponded to areas of lower priority of the programme of work. The Commission was not provided with and did not request details of the individual outputs.

21. In many areas, however, the extent to which the intergovernmental bodies have re-examined the programme of work and made specific decisions on such issues as termination and the postponement or modification of approved programmes was not clear from the report of the Secretary-General. Thus, in many cases it was unclear whether programmatic proposals derived from the initiative of the Secretary-General or whether they were the result of intergovernmental review.

22. Representatives of the Secretary-General informed the Advisory Committee that, during the exercise, they often encountered problems in determining the legislative mandate. It is the opinion of the Committee that in case of doubt, the Secretariat must seek guidance from the relevant intergovernmental body, bearing in mind that mandates are the ends to be achieved within a specific time-frame. In achieving those ends, the Secretary-General often has a variety of means to choose from. In this connection, the Secretariat must also undertake a critical review to identify those outputs that have originated from within the Secretariat and those that have been specifically requested by the competent intergovernmental body. The Committee recalls the statement it made in paragraph 18 of its first report on the proposed programme budget for 1996-1997[4] that "While recognizing that budget preparation in the United Nations has traditionally followed the incremental approach, the Advisory Committee believes that the base should be scrutinized critically to ensure that it contains only those resources required to meet continuing needs, taking into account current mandates." The extent, if any, to which this has been done has not been made clear in the report of the Secretary-General.

23. In this connection, the Advisory Committee recalls the requests contained in General Assembly resolution 50/214, section II, paragraph 8, which are also referred to in paragraph 7 of its report.[3]

24. The Advisory Committee requested information on how the Secretary-General intends to implement deferred or postponed activities but this information was not received. The Committee points out that it will be necessary to clarify the status of deferred or postponed activities vis-à-vis future bienniums, since these terms imply that provision will have to be made for the affected activities in the future. In this connection, the Committee recalls the statement it made in paragraph 23 of its report that "It is the understanding of the Committee that, unless decided otherwise by the General Assembly or any other competent intergovernmental body, the postponement of an activity would indicate a carry-over of that particular activity into the following biennium." The Committee intends to revert to this issue in the context of its consideration of the proposed budget outline for the biennium 1998-1999, and trusts that the detailed information it has requested on the issue of deferred or postponed activities will be available for that exercise.

## Staff reductions

25. As indicated by the Secretary-General in paragraph 6 of his report,[2] by and large the additional reductions identified relate to the higher than anticipated vacancies and to the expectation that the higher rate of vacancies experienced to date will be sustained throughout the biennium. Upon request the Advisory Committee was informed that as at 30 June 1996, the rate of vacancies amounted to 11.8 for the Professional and higher category of staff and 7.0 per cent for the General Service category. Upon request the Committee was provided with additional information on the composition of vacancies in both the Professional and General Service categories,[7] and the evolution of vacancies under the regular budget.[8] The Committee points out that services are provided by staff occupying approved posts, and personnel recruited using funds for temporary assistance and consultancies. The Committee notes that occupied posts are filled by staff on short- and fixed-term and permanent appointments. In this connection, the Committee recalls from paragraph 30 of its report[3] that as at 21 December 1995, 482 personnel were provided to the United Nations by Governments and other entities for varying periods of time. As the Committee indicated at that time, "While the expertise and assistance provided by such personnel is useful, the Advisory Committee cautions against the potential danger of losing institutional memory in certain important functions unique to programmes and activities of the United Nations. The Committee also calls for broader geographical representation in this category of personnel."

26. The issue of vacancies is central to the current exercise. As such, the manner in which the Secretary-General intends to use vacancies to achieve savings should have been fully elaborated in his report. It is clear that it is not necessary to maintain a vacancy rate of 11.8 per cent for Professionals for the remainder of the biennium in order to achieve the average of 6.4 per cent required by General Assembly resolution 50/214. As at 31 December 1995 the vacancy rate for Professionals was 6.9 per cent and by 31 January it had risen to 7 per cent.[7] In this connection, the Advisory Committee recalls what it stated in paragraph 29 of its report:[3]

> "The Committee points out that, in contrast to the General Service vacancy rate, Professional vacancies are a response by the Secretariat to the requirement to achieve $104 million in additional savings and were not specifically required by the Assembly. In the opinion of the Committee, the Secretary-General should have explained better the need to increase the Professional vacancy rate in relation to other possible non-staff economies, since the vacancy rate for Professionals has a potential impact on mandated programmes. Moreover, the question of recruitment to the new posts established by the Assembly during its consideration of the proposed programme budget remains to be clarified."

In addition to the need to explain how the use of vacancies relates to the General Assembly's call for greater efficiency, there is also a need to elaborate on how vacancies are being used to accommodate the costs of additional mandates (see paras. 35 and 36 below).

27. The Advisory Committee notes from paragraph 8 of the report of the Secretary-General that vacancies would be realized through a number of personnel actions, including a freeze in recruitment, the lateral redeployment of staff and involuntary separations. The Committee points out that the report of the Secretary-General should have provided clear criteria on the basis of which those personnel actions would be initiated, especially with regard to involuntary separation of staff. In this respect, the Committee points out that

the related repercussions, including financial repercussions, of involuntary separation may well outweigh potential savings for the budget. The Committee reiterates the observation contained in paragraph 31 of its report[3] that "the required vacancy rate can be achieved through such methods as attrition, enforcement of the retirement age, freeze on recruitment and lateral deployment of staff. In view of the current financial situation of the Organization, the implementation of early separation of staff or 'buy-outs' would appear to be of minimal utility insofar as achieving cost savings is concerned. If the programme of voluntary and involuntary separations is instead related to improving the overall quality of the staff, in the opinion of the Committee, it is not currently designed to meet that goal."

28. Therefore, it is the opinion of the Advisory Committee that the Secretary-General should not sanction any involuntary separations solely to achieve budgetary savings since no decision has been taken by the General Assembly to abolish posts and the Assembly is still to consider the proposals of the Secretary-General on budget reduction, including an increase in the vacancy rate for Professionals above 6.4 per cent. In this regard, the Committee recommends that staff regulation 9.1 should be clarified to ensure that "reduction of the staff" is used only as a consequence of the abolition of a post, it being further understood that any changes in the number of posts under the regular budget (creation or abolition) require the specific approval of the General Assembly. Further, in seeking to create a certain level of vacancies in established posts, the Secretary-General should avoid creating a situation leading to the de facto existence of supernumeraries. Moreover, decisions to effect the involuntary separation of staff should be taken with due regard to the accountability of senior officials for the implications - financial and otherwise - of their actions, should these actions be subject to judicial or administrative review.

29. With regard to the voluntary separation programme, the Advisory Committee recalls the information and comments contained in paragraph 32 of its report.[3] The Committee understands that the "buy-out" programme ended in early 1996 and that the total paid out for the biennium 1995-1996 was $40.2 million (425 people), of which $14.7 million was paid out in 1996.

30. The Advisory Committee requested, but did not receive, information on the number of staff transferred from regular budget posts to non-regular budget functions (including peacekeeping operations) in order to create regular budget post vacancies. The Committee points out that, in many cases, the Organization will have an obligation to reabsorb those staff and this may have an impact on the vacancy rate. In this connection, for example, the Committee recalls its statement in paragraph 34 of its report on the support account for peacekeeping operations[9] that it had:

> "requested information on the number of support account posts encumbered by staff with permanent contracts and was informed that, as at 29 February 1996, the total was 114, or 30.8 per cent. The Committee expects that in assigning staff with permanent contracts to support account posts, the Secretary-General will bear in mind the temporary nature of these posts and the need to ensure the requisite flexibility to manage variations in post requirements consistent with the level of peacekeeping operation activities and decisions of the General Assembly in this regard."

The Committee is of the opinion that in calculating the vacancy rates, account must be taken of those staff on non-regular budget assignment, whom the Organization has an obligation to take back on regular-budget posts. The

Secretary-General should be requested to develop a methodology for this and report thereon in the context of his first performance report on the budget for the biennium 1996-1997.

31. The Advisory Committee was provided with statistics by the Secretariat on the redeployment exercise, by nationality and department, on exceptions to the recruitment freeze and on the early separation programme in 1995 and 1996, and information on the status of the new posts specifically approved by the General Assembly in resolution 50/214.[10] The Committee was informed that there were no posts redeployed from one budget section to another. The Committee requested, but did not receive, information on the number of people, if any, hired as consultants to carry out work previously performed by staff on posts.

## Efficiency gains

32. In paragraph 11 of his report,[1] the Secretary-General states that "efficiency gains will help ameliorate in part the effect on programme delivery that would otherwise arise from reductions in inputs consequent upon application of the savings measures". While welcoming, in principle, the efforts to increase the efficiency of the Secretariat, the Advisory Committee points out that a number of the efficiency measures referred to in the report of the Secretary-General are being implemented prior to action by the General Assembly. The Committee reiterates, in this connection, the observation reflected in paragraph 13 of its report[3] that, despite the fact that the measures taken may be within the authority of the Secretary-General, "that approach is not consistent with the request of the Assembly for proposals of possible savings for its consideration and approval, as contained in section II, paragraph 7, of its resolution 50/214". Moreover, the Committee believes that the report of the Secretary-General should have contained more detailed information on how specifically, and at what cost programmatically, the efficiency measures would mitigate reductions in mandated programmes and activities. Indeed, it appears to the Committee that two separate and uncoordinated exercises are under way - one to effect budget reductions and the other to achieve efficiencies. There should be a link, but it has not been made apparent.

33. The Advisory Committee is aware that information that served as the basis for many of the efficiency measures was available prior to its completion of the review of the report of the Secretary-General. Despite the Committee's request, the information was not provided in a timely manner. This information could have been most useful in helping the Committee to analyse the many statements made in the report of the Secretary-General with regard to the potential impact of efficiency measures. Once again, the Committee reiterates the recommendation in paragraph 38 of its report[3] that "reporting on measures to enhance the performance of the Organization (or, as in this instance, to achieve savings) should be much more specific and contain sufficient and clear information to show that those measures do indeed represent improved productivity and sustainable gains". In any case, the Committee points out that it often takes a number of years for savings attributable to efficiency measures to be realized. As indicated in paragraph 37 of its report,[3] the Committee believes that "the primary purpose of the efficiency reviews should be geared more towards the efficient long-term operation of the Organization's activities rather than towards the short-term goal of cost-cutting".

## Additional mandates

34. Paragraph 13 of the report of the Secretary-General[1] deals with the question of the financing of additional mandated activities. The General Assembly, in its resolutions 50/231 and 50/232 of 7 June 1996, requested the Secretary-General, with regard to the cost of additional mandates, "to submit a report to the General Assembly no later than 1 September 1996 containing proposals on possible means of absorption in the programme budget for the biennium 1996-1997, including, inter alia, in part II thereof and in the area of staff costs where savings might arise from the implementation of the early separation programme during the biennium". As indicated in paragraph 13 of his report, the Secretary-General intends to submit the requested proposals in the context of the first performance report, by which time "further experience in the implementation of the current programmes will have been acquired". According to the Secretary-General, "There are no indications at present that the budget is being overspent as a result of these new mandates."

35. Upon enquiry, the Advisory Committee was informed that the total cost of the new mandates for 1996-1997 is currently estimated at $92 million, of which $37 million will be required for 1996.[11] The Committee believes that the question of the financing of new mandates should have been fully elaborated in the report of the Secretary-General, particularly as he appears to be trying to accommodate this additional expenditure through increased vacancies. The Committee points out that this will probably mean that the approved programmes and activities will have to be adjusted over and above the changes already proposed by the Secretary-General in his report.[1]

36. The Advisory Committee regrets that the Secretary-General did not respond to the request made by the General Assembly in its resolutions 50/231 and 50/232 by submitting the required report by 1 September 1996, particularly since the report was to contain proposals on possible means of absorption. By the steps he seems to be taking to absorb additional costs through the vacancy rate, the Secretary-General would appear to be precluding discussion by the Assembly on this matter. As for the proposal made by the Secretary-General to consider this matter in the context of the first performance report on the biennium 1996-1997, even though it may be possible to absorb at least part of the cost of these new mandates because of movements in exchange rates and inflation, the Committee believes that it is important to remember that Assembly resolution 41/213 of 19 December 1986 has been reaffirmed (see, for example, Assembly resolutions 50/230, 50/231 and 50/232) and continues to apply until the Assembly specifically changes it.

## Conclusion

37. The Advisory Committee points out that, as a result of the first performance report on the biennium 1996-1997, the distribution of appropriations among budget sections will be different from that reflected in the table in paragraph 15 of the report of the Secretary-General.[1] In the circumstances, the Committee does not believe it is necessary for the General Assembly to take action on revising appropriations at this point.

38. Rather, the Advisory Committee recommends that the Secretary-General update the estimates contained in his report[1] in the context of the first performance report on the programme budget for the biennium 1996-1997 and that the General Assembly consider and approve revised appropriations at that time, after it has taken action on the proposals in the reports of the Secretary-General pursuant

to section II, paragraph 7, of General Assembly resolution 50/214[2] and paragraph 2 of resolution 50/230.[1]

## Notes

[1] A/C.5/50/57/Add.1.

[2] A/C.5/50/57.

[3] Official Records of the General Assembly, Fiftieth Session, Supplement No. 7A (A/50/7/Add.1-16), document A/50/7/Add.16.

[4] Ibid., Supplement No. 7 and corrigendum (A/50/7 and Corr.1).

[5] Ibid., Supplement No. 6 (A/50/6/Rev.1).

[6] See annex II to the mimeographed text of document A/51/7/Add.1.

[7] See annex IV to the mimeographed text of document A/51/7/Add.1.

[8] See annex V to the mimeographed text of document A/51/7/Add.1.

[9] A/50/897.

[10] See annexes VI to IX to the mimeographed text of document A/51/7/Add.1.

[11] See annex X to the mimeographed text of document A/51/7/Add.1 for the breakdown of the amount of $37 million.

## Annex I

## CONSTRUCTION, ALTERATION, IMPROVEMENT AND MAJOR MAINTENANCE

## PROGRAMME BUDGET FOR THE BIENNIUM 1996-1997

## Projects proposed for postponement or partial implementation owing to a $12 million (Fifth Committee) plus $2 million reduction (A/C.5/50/57/Add.1) in resources under this section

### A. United Nations Headquarters, New York

### Alterations and improvements

Partial implementation

1. Replacement of lighting fixtures (five floors per year) (to include replacement of lighting system in Conference Room 1)
2. Structural/mechanical repairs (United Nations Institute for Training and Research building)
3. Conference-servicing operations (to include repairs and enhancements to Conference Building elevators)

Deferred in total

1. Development of phase I of the master plan
2. Public information activities

### Major maintenance

Partial implementation (required also in view of emergency projects)

1. Heating, ventilation and air-conditioning (to include replacement of heating, ventilating and air-conditioning control and dampers)
2. Electrical maintenance
3. Plumbing maintenance
4. Replacement of carpets, curtains and upholstery work
5. Carpentry
6. Painting
7. General maintenance (to include replacement of dead trees)
8. Asbestos abatement
9. Structural/architectural maintenance
10. Concrete pavement (Peace Bell court)
11. Concrete pavement (south pavement, General Assembly Building)
12. Waterproofing of mechanical equipment rooms (6th and 16th floors)
13. Waterproofing of the 1-B garage

Deferred in total

1. Refurbishing of offices of Conference Rooms 1, 2, 3 and 4 and the Trusteeship Council

## B. United Nations Office at Geneva

### Alterations and improvements

Partial implementation

1. Modernization of lighting in Conference Rooms 3 and 7, the latter postponed from the biennium 1988-1989
2. Replacement of lighting fixtures in Rooms 17 and 18
3. Renovation of Room F3
4. Asbestos abatement in Room 16
5. Renovation and modernization of the Medical Service area
6. Renovation of a small room (K4)
7. Payment of consultants' fees
8. Replacement of fire-detection devices in the Petit-Saconnex annex
9. Continuation of the installation of electronic access control
10. Installation of 50 magnetic-card-operated locks
11. Operation of a video surveillance system
12. Improvement of the balustrade at the Salle des Pas Perdus gallery
13. Installation of emergency exits at the Le Bocage villa
14. Improvement of security signposting access at the Prégny entrance
15. Improvement and replacement of backup lighting at the Palais des Nations (first phase)
16. Replacement of the Petit-Saconnex cross-bar Private Automatic Branch Exchange (PABX) (500 new extensions)
17. Replacement of power lines and cables in the Petit-Saconnex annex

### Major maintenance

Partial implementation

1. Replacement of expansion tanks in the Palais des Nations
2. Replacement of sanitary equipment and drain pipes
3. Replacement of water distribution pipes in the buildings
4. Refurbishment programme of offices in the old buildings: 89 offices in old buildings (first phase), 61 postponed from the biennium 1988-1989
5. Replacement of revolving doors
6. Replacement of double glazing
7. Repair of paved areas and car parks
8. Assembly Building roof repairs
9. Maintenance and repairs to the first and second floors of the conference area of E Building
10. Restoration and replacement of curtains and blinds
11. Refurbishment of furniture in Conference Rooms 3, 8 and 9
12. Refurbishing of corridors in the old building
13. Payment of consultants' fees
14. Major maintenance of four low-voltage electric power distribution units
15. Replacement of uninterruptible power supply (UPS) units and batteries in Room K119
16. Replacement of air-conditioning units in Documents Distribution (sixth floor and room postponed until 1998-1999)

### Alterations and improvements

18. Modernization of the building automation system (first phase)

19. Administration of the digital PABX network at the Palais and remote sites

20. Upgrading of the digital PABX and voice mail systems

Deferred in total

1. Installation of UPS for the Réseau Fédérateur Informatique

2. Construction of a small building to monitor access at the Prégny entrance

3. Continuation of the restoration of the Cour d'Honneur

4. First-phase refurbishment of the Spence Halls, second floor

5. Council Building documents distribution improvements

### Major maintenance

17. Replacement of internal fire points (first phase)

18. Replacement of the alarm system in the La Fenêtre villa

19. Repair and maintenance of fences surrounding the Palais grounds

Deferred in total

1. Refurbishing of wood panelling in Room 8

2. Replacement of lifts 29 and 30 and 7A and 7B

3. Overhauling of two generator sets

## C. Economic and Social Commission for Asia and the Pacific

### Alterations and improvements

Partial implementation

1. Installation of an air pressurization system in the fire escape stairways of the Secretariat Building
2. Refurbishment of the ground floor B Block
3. Modification of the air ventilation and exhaust systems in the Conference Centre kitchen
4. Relocation of the United Nations Library

Deferred in total

1. Relocation of the staff cafeteria and canteen

### Major maintenance

Partial implementation

1. Refurbishment of the façade of the Secretariat and Service Buildings
2. Completion of the 1994-1995 project to replace the fire alarm and detection system in the Secretariat and Service Buildings
3. Repairs to post-tensioned ground floor slab and repaving of areas around garden of the United Nations Conference Centre
4. Switch gear maintenance
5. Rectification of vibration problems on the ground floor B Block of the Secretariat Building
6. Two mobile gondolas for façade maintenance of the Secretariat Building
7. Modernization of the air-conditioning systems
8. Replacement of two air-conditioning chillers

Deferred in total

1. Replacement of elevator control systems
2. Replacement of deepwell pump

## D. Economic Commission for Latin America and the Caribbean

### Alterations and improvements

Partial implementation

1. Upgrading of electrical wiring to support increased power demand due to computer installations
2. Extension of existing fire-protection and security-detection systems to areas not currently covered
3. Replacement of existing substandard office panels with acoustical, insulated and fire-protected panels
4. Upgrading of the existing lighting system
5. Installation of false ceilings and insulation in walls, for energy conservation
6. Installation of race-ways to accommodate new communication lines between the mainframe computer and computer network
7. Upgrading of the meridian digital telephone private automatic branch exchange (PABX)
8. Installation of workstations
9. Installation of a labour-saving automated lawn sprinkler system at the complex (south garden)
10. Modernization of fire escape staircases to meet current code requirements, and improvement of handicapped access

### Major maintenance

Partial implementation

1. Waterproofing of the roof of the Main Building and bunkers
2. Installation of a new summer/winter control system for the Documents Research Centre Building and upgrading of the heating system in the North Building
3. Installation of a new summer/winter air-conditioning system in the Documents Research Centre Building, installation of a new fresh air-intake and ventilation system for the Main Building, with more modern automatic zone control and temperature regulation system
4. Reconditioning of the toilets in the Main Building (including changing basins, taps and floor and wall tiling)
5. Replacement of three boilers
6. Replacement of two lift cabins and the associated electronic control panel
7. Replacement of the air-distribution system of the service areas of the Main Building
8. Installation of a fan coil system in the Documents Research Centre Building
9. Reconditioning of the West Building fence
10. Installation of a new emergency change-over switch due to obsolescence, updating of electrical panels in the boiler room, updating of all electrical panels in the Main and Documents Research Centre buildings

Alterations and improvements

Major maintenance

11. Cleansing of concrete surfaces and aluminium window frames affected by oxidation and normal wear and tear

12. Replacement of the exhaust and air-injection systems in the boiler room

13. New paving in front of the building and some walkways (needed because of ground settlement over the years)

14. Replacement of the floor tiling in the Main Building

Deferred in total

1. Replacement of the chiller in the North Building

2. Partial reinstallation of window panes in the Documents Research Centre Building

3. Sealing of the bottom of the pond and the repaving of some roads within the compound

## E. Economic Commission for Africa

### Alterations and improvements

Partial implementation

1. Repairs to the roof of the Old Building
2. Replacement of light fixtures
3. Improvements to the basement Secretariat Building
4. Improvements to the basement cafeteria and library
5. Replacement of generator
6. External cabling - electrical and telegraph
7. Toilet reconstruction in the Old Building

Deferred in total

1. Improvements to the Rotunda, external ceiling
2. Renovation of the ground access areas of the Africa Hall Building

### Major maintenance

Partial implementation

1. Resurfacing of asphalt pavements
2. Improvements to conference rooms
3. Spare parts for (a) artisan, carpentry, metal work; (b) electrical installations; (c) heating, ventilating and air-conditioning system; (d) plumbing; and (e) lifts
4. Maintenance of gardens
5. Maintenance of the water fountain area
6. Electro-mechanical and conference maintenance and running costs

Deferred in total

1. Systems furniture

# Annex III

## REVIEWS BY INTERGOVERNMENTAL BODIES

1. Where applicable and where time considerations allow, the proposals regarding activities to be delayed/postponed/cancelled have been brought to the attention of or were formally submitted for review to the relevant intergovernmental organs and the views/comments/decisions, if any, made on the issue by the bodies concerned are summarized below.

### Section 7A. Department for Policy Coordination and Sustainable Development

2. The reduction of statistical support has had programmatic implications for the Department's ability to service the Committee for Development Planning (least developed countries data), the Committee on Natural Resources, the Committee on New and Renewable Sources of Energy and on Energy for Development (water, sanitation and energy data) and the Commission on Sustainable Development (vulnerability index for small island developing States). Oral briefings were given to the relevant intergovernmental bodies in the context of introductory statements.

### Section 13. Crime control

3. At its fifth session, the Commission on Crime Prevention and Criminal Justice in its report[1] expressed concern regarding the severe impact of the across-the-board cuts on the work of the Crime Prevention and Criminal Justice Division. It noted the disparity between the call of the General Assembly for the upgrading of the United Nations Crime Prevention and Criminal Justice Programme, on the one hand, and the actual available resources on the other. The Commission had called for a careful allocation of resources among the budget sections, taking into account the priority considerations underlying the decision of the General Assembly to increase staff resources in the relevant budget section, specifically section 13 (Crime control), where two additional Professional posts had been approved for the current biennium. The Commission had acknowledged that the deferment of certain activities, in particular the organization of three expert group meetings, would negatively affect its substantive work.

### Section 14. International drug control

4. An oral presentation was made to the Commission on Narcotic Drugs at its thirty-ninth session and an informal paper was submitted to the Ad Hoc Open-ended Working Group on Administrative and Budgetary Matters established by the Chairman of the Commission. The Working Group in its report emphasized that the mandatory reduction of the budget of the United Nations should not have an impact on the mandated activities entailed by the normative functions of the United Nations International Drug Control Programme, in particular the work of the International Narcotics Control Board. The Commission took note of the report.

## Section 15. Economic Commission for Africa

5. The Economic Commission for Africa, in the context of its consideration of the ongoing reform of the Organization, in resolution 809 (XXXI)[2] on "New Directions for the Economic Commission for Africa" requested the Executive Secretary, in close collaboration with the Bureau of the Conference of Ministers to revise the 1996-1997 programme of work. The revision had become necessary to reflect the new orientation of the Commission's work and to ensure the smooth transition in 1997 to the next medium-term plan. The revision must be within resources already approved for the Commission by the General Assembly and must pay due regard to the efficiency measures required to implement the relevant decisions of the Assembly regarding the budget for the biennium 1996-1997.

## Section 16. Economic and Social Commission for Asia and the Pacific

6. The changes in the programme of work were considered and endorsed by the Economic and Social Commission for Asia and the Pacific at its fifty-second session, held at Bangkok from 17 to 24 April 1996. The Commission expressed concern that the budget reduction would have an adverse impact on major priority areas of the programme of work, particularly trade policies and trade promotion, the environment, women in development, and infrastructure development. Assistance in those areas was crucial to the countries in the region to accelerate their economic and social development. While recognizing the need for increased efficiency and effectiveness in the United Nations, the Commission was of the view that reform should be implemented with due consideration to the urgent needs of developing countries. The Commission felt that certain of the programme activities proposed for deletion were of sufficient importance that they should be retained. Those activities included training in trade in services; skills development for small and medium-sized enterprises; the generation, transfer, adoption and use of conventional and new and emerging technologies; the strengthening of technological capacities for the application of environmentally sound technologies for industrial restructuring; and a workshop on methodologies of poverty measurement.

7. The Commission commended the recognition given to budget constraints. It also welcomed the proposed review of the publications programme with the objective of reducing the number of publications proposed for the current biennium, in line with the recommendation of the Advisory Committee on Administrative and Budgetary Questions.

## Section 17. Economic Commission for Europe

8. At the fifty-first session of the Economic Commission for Europe in April 1996, the Executive Secretary reported orally to the Commission and indicated that the proposed reduction would impact on the programme although every effort would be made to mitigate the effects. No delegation requested details at the Commission's session. The Commission is supported by subsidiary bodies in the different sectors which meet at varying times throughout the year. The following reflects the views of the subsidiary bodies that have reviewed the proposed changes in the programme of work of their respective sectors:

(a) The Bureau of the Committee on the Development of Trade has agreed to the changes proposed in the sector, recognizing that reduced resources will impose limitations. The Bureau of the Working Party on Facilitation of

International Trade Procedures expressed its dissatisfaction with the cancellation of Connections, the quarterly newsletter. However, it recognized that the Secretariat lacked the resources to produce it;

(b) Changes concerning statistics were submitted to the Conference of European Statisticians. The submission was accepted;

(c) Changes in the environment work programme were the result of decisions taken by the Committee on Environmental Policy;

(d) The changes proposed for the human settlements sector were being discussed by the Committee on Human Settlements which was expected to confirm them.

## Section 18. Economic Commission for Latin America and the Caribbean

9. During the twenty-sixth session of the Economic Commission for Latin America and the Caribbean, the Secretariat informed the members of delegations attending the meeting, who took due note, of the reduction of outputs in the 1996-1997 programme of work.

## Section 25. Public information

10. The programme implications resulting from the budget reductions were brought to the attention of the Committee on Information orally. The matter was not taken up during the Committee's deliberations or reflected in the draft resolution to be submitted to the General Assembly at its fifty-first session.

## Notes

[1] See Official Records of the Economic and Social Council, 1996, Supplement No. 10 and corrigenda (E/1996/30 and Corr.1-3).

[2] Ibid., Supplement No. 15 (E/1996/35), chap. IV.

## DOCUMENT A/51/7/Add.2

### Third report

### Budget of the International Seabed Authority for 1997

[Original: English]

[15 November 1996]

1. The Advisory Committee on Administrative and Budgetary Questions has considered the note by the Secretary-General (A/C.5/51/21) transmitting to the General Assembly the budget of the International Seabed Authority for 1997. During its consideration of the report, the Advisory Committee met with representatives of the Secretary-General, who provided additional information.

2. As recalled in paragraph 2 of the Secretary-General's note transmitting the budget, the General Assembly, in its resolution 48/263 of 28 July 1994, decided to fund the administrative expenses of the Authority through the budget of the United Nations until the end of the year following the year during which the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea entered into force.

3. Furthermore, as indicated by the Advisory Committee in paragraph 6 of its previous report on the subject,[1] as long as the budget of the Authority is to be financed by the regular budget of the United Nations, the approval of the funding must be in accordance with Article 17 of the Charter of the United Nations, that is, the budget would have to be approved by the General Assembly after review by the Committee.

4. The Advisory Committee notes that, as indicated in paragraph 4 of the budget (ibid., annex), the Implementing Agreement entered into force on 28 July 1996. Therefore, 1997 will be the last year in which the budget of the Authority is to be funded from the budget of the United Nations.

5. The Secretary-General of the United Nations, pending the election of the Secretary-General of the Authority, submitted to the General Assembly, at its fiftieth session, a draft budget[2] covering the administrative expenses of the secretariat of the Authority and the conference-servicing costs for 1996. The General Assembly subsequently approved the amount of $2,627,100, which included a provision of $1,308,200 to meet administrative expenses of the secretariat, and $1,318,900 to cover conference-servicing expenses. The latter amount was to be met from the resources appropriated under section 26E (Conference services) of the proposed programme budget for the biennium 1996-1997. As regards the amount for administrative expenses, the Secretary-General retained the 1994-1995 appropriation of $776,000 as a resource base for 1996-1997. Subsequently an additional appropriation of $532,200 was approved for the 1996 budget of the Authority under section 33 (International Seabed Authority) of the proposed programme budget for 1996-1997, as recommended by the Advisory Committee in its preceding report on the matter.[1]

6. The Advisory Committee notes, however, that the General Assembly, in paragraph 72 of section III of its resolution 50/214 of 23 December 1995, states the following:

"The General Assembly,

"...

"72. Also approves the level of resources for administrative expenses of the International Seabed Authority recommended by the Advisory Committee on the understanding that expenditures beyond an amount of 776,000 dollars would, on an exceptional basis, be absorbed under section 31 of the proposed programme budget."

7. The budget of the United Nations is biennial, but the budget of the Authority is annual; clarification is therefore needed as to whether the decision cited above applies to the 1997 budget of the Authority as well as to that for 1996. In this regard, the Advisory Committee points out that at the time the General Assembly adopted resolution 50/214, the Fifth Committee was aware of the budget estimate of the Authority for 1996 only. Moreover, the work programme of the Authority had not yet been determined, since the Secretary-General of the Authority had not yet been appointed. At the same time, however, the Committee notes from the annex to the Secretary-General's report of 14 May 1996[3] that projected expenditure for 1997 for the Authority was footnoted to read as follows:

> "[b] May be absorbed as offset against section 31 project deferrals to be identified in addition to those incorporated in A/C.5/50/57 proposals (see General Assembly resolution 50/214, sect. III, para. 72)."

Subsequently, the Committee was informed by representatives of the Secretary-General that they no longer believed this could be the case.

8. The Advisory Committee points out that the Secretary-General, in his report of 28 March 1996 on the proposed programme budget for the biennium 1996-1997,[4] is proposing an additional reduction of $2 million under section 31 (Construction, alteration, improvement and major maintenance), to be achieved by the deferral of a number of projects. The Committee has stated in paragraph 20 of its related report[5] that this may only result in unusually high resource requirements in the following bienniums.

9. The Secretary-General proposes, in paragraph 3 of his note (A/C.5/51/21), to consider the provision of $2,750,500 for administrative expenses of the Authority "in the context of the revised appropriation by the Assembly, after review of all relevant reports, including the first performance report". The General Assembly may wish to consider whether or not the option of using the contingency fund to meet the expenses of the Authority should be addressed.

10. The activities of the Authority during 1996 are related in large part to the establishment and internal administration of the entity. In paragraph 3 of the budget of the Authority (ibid., annex) the Secretary-General indicates, however, that 1997 will witness the initiation of the substantive work programme of the Authority, and that the proposed budget for the Authority for 1997 amounts to $4,150,500. As further indicated in that paragraph, the estimate is $1,939,500 less than the previously estimated amount of $6,090,000 referred to in the report of the Advisory Committee on the matter to the General Assembly at its forty-eighth session.[6]

11. The Advisory Committee notes, as indicated in the breakdown contained in annex II to the budget of the Authority, that requirements for posts and common staff costs amount to $1,526,900. In table 5 of annex I, the proposed staffing

level of 30 posts, bearing in mind the requirements of the substantive work programme for 1997, includes 15 posts in the Professional category and above (1 S-G, 2 D-1, 4 P-5, 3 P-4, 5 P-3) and 15 posts at the General Service level. This represents an increase of 10 posts over 1996. The Committee was further informed that, in accordance with the phasing-in strategy, the level was to increase to 39 posts in 1998 and to 44 posts in 1999, the first year during which the Authority would be functioning at full capacity.

12. The programme of work for 1997 of the four organizational units of the secretariat of the Authority - Office of the Secretary-General, Office of Legal Services and Implementation Affairs, Office of Resources and Environmental Monitoring and Office of Administration and Management - along with the post requirements to implement it, are contained in paragraphs 13 to 34 of the budget.

13. Annex II to the budget also provides the breakdown of non-post resources required for the administrative expenses of the secretariat in the estimated amount of $1,223,600. The Advisory Committee notes a provision of $60,000 for the residence of the Secretary-General of the Authority under rental and maintenance of premises. The Committee was informed, upon enquiry, that the housing arrangement was provided in lieu of any other provision under staff rules. The Committee, however, further enquired about the recommendations made by the Finance Committee, in its report of 14 August 1996,[7] encouraging the Secretary-General of the Authority to consult the host country concerning the residence to see if the item could be omitted from the budget in the future and to continue to seek to obtain the best possible terms as regards office accommodation. The Committee understands that the Secretary-General of the Authority will report to the Finance Committee on the results of those consultations.

14. In paragraph 3 of his note transmitting the 1997 budget proposal of the Authority, the Secretary-General indicates it is anticipated that the provision of conference services, amounting to $1.4 million, can be provided from within the overall resources available under section 26E of the programme budget. The Advisory Committee further queried the Secretariat as to the effect on conference services of the $154 million savings mandated by the General Assembly in its resolution 50/214. The Secretariat indicated that although conference services were not exempt from budgetary reductions, the schedule of meetings for 1996-1997 allowed for the provision of four weeks of conference services for the Authority during 1997.

15. The Advisory Committee recommends the approval of the proposed provision of $2,750,500 for the administrative expenses of the Authority for the period 1 January to 31 December 1997, as reviewed by the Finance Committee, and adopted by the Assembly of the Authority on 16 August 1996. In this connection the Committee notes that the Finance Committee made a series of recommendations in paragraph 6 of its report[7] that were adopted by the Assembly.

## Notes

[1] Official Records of the General Assembly, Fiftieth Session, Supplement No. 7A (A/50/7/Add.1-16), document A/50/7/Add.6.

[2] A/C.5/50/28.

[3] A/C.5/50/67.

[4] A/C.5/50/57.

[5] Official Records of the General Assembly, Fiftieth Session, Supplement No. 7A (A/50/7/Add.1-16), document A/50/7/Add.16.

[6] Ibid., Forty-eighth Session, Supplement No. 7A (A/48/7/Add.1-17), document A/48/7/Add.16, para. 5.

[7] ISBA/A/12.

## DOCUMENT A/51/7/Add.3

## Fourth report

## Review of the efficiency of the administrative and financial functioning of the United Nations - Procurement reform

[Original: English]

[4 December 1996]

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on procurement reform (A/C.5/51/9), submitted pursuant to General Assembly decision 50/479 of 11 April 1996. During its consideration of the report the Committee met with representatives of the Secretary-General, who provided additional information.

2. In its decision 50/479, the General Assembly had requested the Secretary-General to submit to it at its fifty-first session a comprehensive report on the implementation of procurement reform in the United Nations Secretariat as defined in paragraph 5 of the report of the Advisory Committee. The Committee had requested that the report cover all the procurement activities of the Secretariat at its Headquarters, and all missions and operations away from Headquarters, including progress made on the measures proposed by the Secretary-General in his reports of 22 June 1995[1] and 9 February 1996.[2]

3. Actions already taken or in progress with regard to implementation of reform measures are discussed in the report of the Secretary-General (ibid.). These include the organization and structure of the Procurement and Transportation Division; training; delegation of procurement authority; use of systems contracts; updating the Supplier Roster (including the main criteria for evaluating suppliers); strengthening the Headquarters Committee on Contracts and local committees on contracts; streamlining of procedures; and development of information technology in support of procurement activities.

4. The Advisory Committee welcomes the measures outlined. As they were only introduced in July 1996, it may be too soon to evaluate the results.

5. In paragraphs 4 and 13 of its preceding report on the matter,[3] the Advisory Committee had recommended that the Secretary-General review the situation at Headquarters with a view to integrating procurement activities of the Secretariat and, as much as possible, coordinating such activities with those of the United Nations Office for Project Services and other entities such as the Inter-Agency Procurement Services Office. The Committee notes from paragraph 3 of the Secretary-General's report that the outcome of the review is still awaited. The Committee strongly recommends that immediate steps be taken within a specified time-frame to complete the review and communicate the outcome to the General Assembly.

6. The Advisory Committee notes from paragraphs 4 to 6 of and annexes II and III to the Secretary-General's report the new structure and organization of the Procurement and Transportation Division. The Committee was informed that no further changes were envisaged in the foreseeable future and that the structure had enough flexibility to incorporate the procurement function of the Department for Development Support and Management Services should a review reveal that such a move would be beneficial.

7. The Advisory Committee welcomes the efforts of the Division with regard to training, including on-the-job training of procurement officers, as indicated in section III of the report of the Secretary-General. The Committee trusts that this practice will be a regular feature, extended over time to all staff involved in procurement activities.

8. With regard to delegation of authority, as indicated in section IV of the report of the Secretary-General, the Advisory Committee notes that, effective 15 August 1996, the local Committees on Contracts have authority to consider cases ranging from $50,000 to $200,000, while the Headquarters Committee on Contracts will consider cases in amounts above $200,000 (see annex IV to the report).

9. The Advisory Committee notes from paragraph 11 of the report that the revised delegation of purchasing authority under the terms of financial rule 110.16 has been implemented as of October 1996; the authority to undertake procurement activities and the levels of signature for commitments are now specifically granted to individual procurement officers. In this connection, on enquiry, the representatives of the Secretary-General informed the Committee that they did not know whether other funds, programmes and organizations within the United Nations system followed that practice, and that the Secretariat had not held consultations with those entities. The Committee recommends that this issue be monitored carefully and reviewed after six to eight months to evaluate improvements in the process as a result of the granting of signing authority to individual procurement officers.

10. At the time of its consideration of the Secretary-General's report of 9 November 1995 on the financing of the United Nations Mission in Haiti,[4] the Advisory Committee had been informed of some of the benefits that could be derived from a "systems contract" arrangement: the United Nations would be able to forecast requirements for an extended period of time, be committed to only a minimum purchase, conduct a competitive bidding exercise and draw against the contract only when required. The arrangement would allow the United Nations to group all requirements for similar or identical items into one single framework, taking advantage of the volume discount potential and setting up a mechanism for drawing requirements without repeating the bidding exercise for each requisition. In this connection, the Committee notes and supports the Secretary-General's statement in paragraph 12 of his report that "such contracts, while relieving procurement officers from routine and repeated bidding exercises, demand far greater vigilance in monitoring vendor performance and carrying out effective contract administration".

11. The Advisory Committee notes from paragraph 18 of the Secretary-General's report that the existing Supplier Roster of the Division, which previously comprised 4,000 firms, has been vetted and updated. The Committee was informed that as at the end of October 1996 the total number of registered suppliers was 1,623. The Committee notes the additional information with respect to the Supplier Roster, including the main criteria for evaluating suppliers (paras. 18-23). The Committee requests the Secretary-General to refine the criteria for evaluating suppliers so as to broaden the base.

12. The Advisory Committee recalls that in section II.D of the report of the Office of Internal Oversight Services, which the Secretary-General transmitted to the General Assembly in his note of 30 April 1996,[5] the shortcomings in procurement controls and procedures in the Department for Development Support and Management Services were highlighted. Among the deficiencies indicated was the use of brokers in place of vendors/suppliers. According to the Office,

purchases through such agents could possibly involve serious risks and higher costs to the Organization. On enquiry, the Committee was informed that the Administration believed there was some merit in utilizing agents/brokers in certain cases where goods and services were not always readily available or had different and varied specifications, provided that the broker's credentials had been thoroughly checked and recourse to the broker involved no risk to the Organization. The Committee is of the opinion that continued efforts to revise and expand the vendor database should obviate the necessity to use such brokers except under very exceptional circumstances, the reasons for which should be recorded in each case.

13. As indicated in paragraph 9 of the Secretary-General's report, owing to budgetary constraints, staff are not able to travel away from Headquarters, therefore arrangements are made whereby "groups of company and industry representatives are briefed on how to do business with the United Nations". Such arrangements are made in New York by various permanent and observer missions to the United Nations and by consulates and trade commissions located there. While the Advisory Committee sees the merit in these arrangements, it nevertheless believes that adequate resources should be made available for travel by staff to other locations for the purposes of expanding the supplier base to reflect equitable geographical distribution consistent with maximum effectiveness.

14. The Advisory Committee notes the comments of the Board of Auditors in paragraphs 93 and 94 of its report on the biennium ended 31 December 1995[6] with regard to the geographical base of suppliers. As indicated by the Board, of the 1,237 re-registered vendors at the time, 1,061 (86 per cent) were based in Western Europe and North America. Forty-eight per cent of the suppliers belonged to one Member State and a further 13 per cent belonged to a second Member State.

15. The Advisory Committee notes the statement in paragraph 25 of the Secretary-General's report regarding use of suppliers recommended by requisitioners. In this connection, the Committee reiterates its recommendation made in paragraph 22 of its preceding report on the matter[3] that this practice undermines the principle of segregation of responsibilities between requesting and procurement units; the practice should be discontinued. The Committee believes that if the Supplier Roster were a complete and comprehensive one, there would be no need for requisitioners to recommend suppliers.

16. The Advisory Committee welcomes section VIII of the Secretary-General's report outlining changes in the Headquarters Committee on Contracts. The Advisory Committee was provided with additional information on policy guidelines for categories of cases to be submitted to the Headquarters Committee, its composition, general functions and meetings, as well as the ex post facto presentations to it (see the annex to the present report). While the Advisory Committee notes these guidelines, it awaits the Secretary-General's proposals for amendments, if any, pursuant to General Assembly resolution 49/216 C of 23 December 1994, to the financial regulations and rules and to the Staff Regulations and Staff Rules required to address any conflicts of interest.

17. The Advisory Committee notes from paragraph 33 of the Secretary-General's report that, pursuant to paragraph 3 (b) of General Assembly resolution 49/216 C, further efforts have been made to strengthen the role of the Headquarters Committee on Contracts and to provide greater transparency in its operations in the granting of exceptions to competitive bidding under financial rule 110.19, particularly where exigency is cited as the reason for requesting

such exceptions. Furthermore, efforts are being made to ensure that "exigency" is not cited as a means to conceal delays in the procurement process and the presentations to the Headquarters Committee. The Advisory Committee maintains that a sharper definition of "exigency" needs to be provided, as called for in General Assembly resolution 49/216 C.

18. The Advisory Committee recalls the comments of the Board of Auditors in its report on the biennium ended 31 December 1995,[7] with regard to ex post facto cases. In this connection the Committee notes the information provided in paragraphs 36 to 41 of the Secretary-General's report and the additional information provided in the annex to the present report, indicating measures to limit recourse to ex post facto submissions to the Headquarters Committee on Contracts. The Advisory Committee understands that some cases were presented to the Headquarters Committee as late as two or three years after the fact for ex post facto approval. The Advisory Committee believes that the local Contract Committees should be given the authority where necessary to approve cases, while the role of the Headquarters Committee on Contracts in such instances should be to evaluate the appropriateness of that action.

19. The Advisory Committee notes the information in paragraphs 46 to 49 of the Secretary-General's report regarding advanced procurement planning and coordination in procurement. However, it is not clear from the document how procurement planning has been enhanced, although coordination has improved, as previously called for by the Committee. With regard to inventory of assets, which is the subject of paragraph 53 of the Secretary-General's report, the Committee recalls its comments in paragraph 20 of its preceding report on the matter[3] and notes the information provided in the Secretary-General's report.

20. The Advisory Committee notes the information on staff resources and workload in paragraphs 54 and 55 of the Secretary-General's report. On enquiry, the Committee was informed that, of the 32 posts at the Professional level, 6 posts, including 3 on the regular budget, remained vacant at the time of reporting. As indicated in paragraph 55 of the report, there are four officers on secondment from their Governments at no cost to the Organization. Although these officers do not have procurement signing authority, the Committee was informed that they were engaged in such areas as purchasing and operational activities. The Committee points out that there is a serious potential conflict of interest in such a situation, especially since these officers are not staff members of the United Nations and therefore are not answerable under the regulations and rules of the Organization. The Committee's detailed observations and comments with regard to gratis personnel provided by Governments and other entities will be made in the context of its examination of the Secretary-General's report on the subject (A/51/688).

21. The Advisory Committee notes with concern the limitations upon the Procurement and Transportation Division owing to overall budgetary constraints. In view of the importance of this function and the impact it has on the expenditure of the Organization, the Committee recommends that the vacant posts relating to procurement be filled as soon as possible.

22. As indicated in its report on financial reports and audited financial statements (A/51/533), the Advisory Committee believes that procurement reform should be given top priority in the United Nations and its funds and programmes. In the opinion of the Committee, the present report of the Secretary-General constitutes an incremental step in that direction. Bearing this in mind, the Advisory Committee requests that in its next report the Board of Auditors should focus on evaluating the adequacy of the measures taken by the Secretariat in

line with the Board's own recommendations and those of the Advisory Committee and the General Assembly.

## Notes

[1] A/C.5/49/67.

[2] A/C.5/50/13/Rev.1.

[3] Official Records of the General Assembly, Fiftieth Session, Supplement No. 7A (A/50/7/Add.1-16), document A/50/7/Add.13.

[4] A/50/363/Add.1.

[5] See A/50/945.

[6] Official Records of the General Assembly, Fifty-first Session, Supplement No. 5 (A/51/5), vol. I, sect. II.

[7] Ibid., paras. 96-97; and ibid., vol. II, sect. II, paras. 119-122.

# Annex

## PROCUREMENT AND TRANSPORTATION DIVISION

## POLICY GUIDELINES

## Headquarters Committee on Contracts

## Financial rule 110.17

### Categories of cases to be submitted to the Headquarters Committee on Contracts

1. When any of the following categories of cases applies to a purchase order or procurement contract (a "contract"), the advice of the Headquarters Committee on Contracts (hereinafter referred to as "the Committee") shall be obtained prior to any contractual commitment being made:

(a) Any contract to be entered into with a single contractor in respect of a single requisition or a series of related requisitions in a calendar year totalling $200,000 or more, or an amount that may be amended from time to time by the Under-Secretary-General for Administration and Management;

(b) Any amendment, modification or renewal of a contract previously reviewed by the Committee, where the contract amendment or a series of amendments in the aggregate either increases the amount by more than 20 per cent or $200,000, whichever is less;

(c) Any amendment or modification of a contract previously reviewed by the Committee, where in the judgement of the procurement officer the significance of the contract amendment in relationship to the criteria on which the original award was made would significantly affect the procurement process;

(d) Any amendment, modification or renewal of a contract not previously submitted to the Committee, where the resulting amount in the aggregate exceeds $200,000;

(e) Any contract relating to the standardization of supplies or equipment that renders competition impracticable;

(f) Any other matter relating to a contract referred to the Committee by the Under-Secretary-General for Administration and Management, the Assistant Secretary-General for Conference and Support Services or such other officials duly authorized under financial rule 110.16.

2. When any of the following categories of cases applies to a contract that involves income to the Organization, the advice of the Committee shall be obtained prior to any contractual commitment being made:

(a) Any contract or series of related contracts that involve income to the Organization of $40,000 or more, and any contract relating to the activities where the estimated annual income when aggregated with the estimated annual income from any other contract already concluded with the same purchaser in the same year amounts to $40,000 or more; however, income resulting from the recommendations of Property Survey Boards shall not be included;

(b) Any amendment, modification or renewal of a contract that involves income to the Organization previously reviewed by the Committee, where any contract amendment or series of amendments in the aggregate either increases the amount by more than 20 per cent or $40,000, whichever is less;

(c) Any amendment or modification of a contract that involves income to the Organization previously reviewed by the Committee, where in the judgement of the procurement officer the significance of the contract amendment in relationship to the criteria on which the original award was made would significantly affect the sale;

(d) Any amendment, modification or renewal of a contract that involves income to the Organization not previously submitted to the Committee, where the resulting amount in the aggregate exceeds $40,000;

(e) Any other matter relating to a contract that involves income to the Organization referred to the Committee by the Under-Secretary-General for Administration and Management, the Assistant Secretary-General for Conference and Support Services or such other officials duly authorized under financial rule 110.16.

## Composition of the Committee

3. The Committee shall be headed by a Chairman appointed by the Assistant Secretary-General for Conference and Support Services. The Chairman may consult with the Controller and the Legal Counsel in appropriate circumstances. With respect to the matters set forth in paragraphs 1 and 2 above, the Committee shall be responsible for providing advice to the Assistant Secretary-General for Conference and Support Services or such other officials duly authorized under financial rule 110.16.

4. In addition to the Chairman, the Committee shall be comprised of a staff member from each of the following Departments/Offices:

(a) Office of Conference and Support Services;

(b) Office of Programme Planning, Budget and Accounts;

(c) Office of Legal Affairs;

(d) Department for Development Support and Management Services.

Each of the foregoing staff members shall serve for a term not to exceed three (3) years.

5. The head of each Department/Office set forth in paragraph 4 above shall designate a staff member as well as one or more alternates from his or her Department/Office to serve on the Committee. The individuals selected must have commercial, financial or legal experience or qualifications in procurement.

6. Any Department/Office initiating a procurement action required to be reviewed by the Committee may have a representative in attendance in a non-voting capacity when its procurement action is under discussion. The representative shall not take part in the meeting unless requested to do so by the Chairman of the Committee.

## General functions of the Committee

7. The Committee provides advice to the Assistant Secretary-General for Conference and Support Services or such other officials duly authorized under financial rule 110.16. The purpose of the Committee is to examine and provide advice as to whether the proposed contract, including a contract that involves income to the Organization, is in accordance with the United Nations financial regulations and rules, procedures, administrative issuances and instructions and whether its recommendation has been based on fairness, integrity and transparency. It shall also examine and provide advice regarding the financial implications of any such proposed contract to ensure that it is in the best interests of the United Nations and is practical to administer. In addition, the Committee shall promptly notify the Purchase and Transportation Division of any cases that have been rejected by the Committee, specifying in writing full and comprehensive reasons for the rejection and any remedial action it believes should be taken. The Committee shall likewise notify the Field Administration and Logistics Division, Department of Peacekeeping Operations and the Department for Development Support and Management Services with respect to the cases submitted by them pursuant to paragraph 12 below.

## Chairman of the Committee

8. The Chairman of the Committee is responsible for the following:

(a) Issuing the agenda for Committee meetings;

(b) Designating from among the members or alternates of the Committee an individual to serve as Acting Chairman whenever the Chairman is on leave, unavailable or otherwise unable to carry out his or her duties;

(c) Reviewing the presentations prior to Committee meetings and, when necessary, requesting clarifications and/or additional information from the head of the Purchase and Transportation Division for submission to the Committee;

(d) Issuing and distributing to the Assistant Secretary-General for Conference and Support Services the approved minutes of the meeting, signed by the Chairman and the Secretary of the Committee, as soon as practicable and generally within 72 hours after the conclusion of the Committee meeting;

(e) Coordinating the activities of the Committee;

(f) Providing monthly statistics on the workload and activity of the Committee to the Assistant Secretary-General for Conference and Support Services.

## Secretary of the Committee

9. The Assistant Secretary-General for Conference and Support Services shall appoint a Secretary to the Committee, who shall have experience or qualifications in procurement. The Secretary shall be responsible for preparing the minutes and any correspondence. The Secretary shall also be responsible for finalizing the necessary arrangements for Committee meetings and shall endeavour to distribute all documentation relevant to a presentation to Committee members on the same day the presentation is received from the Purchase and Transportation Division and at least two (2) working days prior to the Committee's meeting. The Secretary shall not be a member of the Committee and shall not be entitled to vote.

10. The Secretary of the Committee shall maintain a permanent record of all Committee minutes. The approved minutes shall be signed by the Secretary and the Chairman and promptly forwarded to the Assistant Secretary-General for Conference and Support Services, together with the recommendations of the Committee, for his or her consideration.

## Role of the Division with respect to the Committee

11. The Purchase and Transportation Division is responsible for the following:

(a) Ensuring, in conjunction with the relevant requisitioning office, that the presentation submitted to the Committee is complete, including a written justification for the proposed award and a brief description of the purpose or need for the goods and services proposed to be purchased;

(b) Prior to the meeting, providing clarification and/or additional information in connection with a presentation, when requested to do so by the Chairman for submission to the Committee;

(c) At or subsequent to the meeting, providing clarification and/or additional information in connection with a presentation when requested by the Committee;

(d) Ensuring that procurement is undertaken in accordance with the United Nations financial regulations and rules, established procurement practices and procedures, and administrative issuances and instructions, and that it is in accordance with economy, delivery schedules and effectiveness. The Purchase and Transportation Division shall also ensure fairness, integrity and transparency through competition and other permissible modes of awards in connection with procurement action.

## Presentations to the Committee

12. The Head of the Purchase and Transportation Division or, in his absence, a duly designated representative, shall sign each presentation and shall submit it to the Committee, together with annexes A and B attached hereto,* a minimum of two (2) working days prior to the Committee meeting. Notwithstanding the foregoing, presentations may be submitted directly to the Committee by the Director of the Field Administration and Logistics Division, Department of Peacekeeping Operations, with respect to letters of assist applicable to field missions, and by the Chief of the Contracts and Procurement Service of the Department for Development Support and Management Services, with respect to its own procurement. These policy guidelines and the procedures of the Headquarters Committee on Contracts shall be fully applicable to all such presentations.

13. Presentations not submitted to the Committee a minimum of two (2) working days prior to the Committee's meeting may, with the approval of the Chairman granted in accordance with guidelines established from time to time by the Assistant Secretary-General for Conference and Support Services, be presented by the Purchase and Transportation Division to the meeting as so-called "walk-in" or "telephonic" presentations. All of the terms of reference and responsibilities set forth herein apply equally to such presentations as to those that have been included in a timely manner on the Committee agenda. The

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* Annexes A and B are not attached hereto in an appendix to the annex to the present document.

head of the Purchase and Transportation Division must ensure that the need for a "walk-in" or "telephonic" presentation is fully justified by the relevant requisitioning office and supported by the Purchase and Transportation Division. "Walk-in" and "telephonic" presentations should be the exception.

## Meetings of the Committee

14. The Committee shall meet at such times and frequency as may be decided by the Chairman. In this regard, the Chairman, in determining the frequency of such meetings, shall ensure that the Committee is not causing any unnecessary delay in the procurement process. The minimum frequency of such meetings shall be once a week, unless there are no presentations or other matters for consideration by the Committee.

15. At meetings of the Committee, the Chairman shall introduce all agenda items for consideration and decision by the Committee.

16. One (1) fully approved copy of the Committee's minutes shall be distributed as soon as practicable, and generally within 72 hours after the conclusion of the meeting, as follows:

(a) Assistant Secretary-General for Conference and Support Services;

(b) Members of the Committee;

(c) Head of the Purchase and Transportation Division;

(d) The relevant requisitioning Department/Office.

17. Generally, the Committee shall meet in open session. However, when deemed to be necessary by the Committee, it may meet in closed (executive) session, which shall be limited to its members and the Secretary of the Committee only.

18. Ex post facto cases must be rare exceptions and, when they arise, full justification must be provided, in accordance with annex C hereto, as to why timely presentation was not practicable. Submission of ex post facto cases to the Committee and subsequent approval thereof does not imply that the Committee or the Assistant Secretary-General for Conference and Support Services approves or accepts responsibility for the actions of the officer or officers who committed the United Nations contractually prior to obtaining all necessary approvals. The Committee may take note of such cases and, as necessary or appropriate, request clarifications and provide comments on the propriety of the action already taken.

19. Each local Committee on Contracts shall operate within the same guidelines set forth herein for Headquarters, subject to the procurement thresholds applicable to such local Committees on Contracts. Presentations to the Committee should be prepared fully and reviewed by the relevant local Committee on Contracts. It shall then render its advice to the applicable official who, if he or she approves the advice, shall submit the presentation to the head of the Purchase and Transportation Division for review and either (i) clarification or return to the local Committee on Contracts for further reconsideration and rewriting or (ii) submission directly to the Committee, as the case may be.

## ANNEX C*[1]

## Ex post facto presentations

1. In view of the serious financial implications of the increased and unprecedented number of ex post facto presentations by field missions, regional economic commissions and international criminal tribunals to their respective local Committees on Contracts, and, when required, to the Headquarters Committee on Contracts ("the Committee"), and in order to ameliorate the adverse consequences of this improper practice, the following provisions should be implemented immediately:

(a) Appropriate officials should be informed that they will be held personally accountable for authorizing any ex post facto case that cannot be properly justified to, and be granted an exception by, the Assistant Secretary-General for Conference and Support Services on the following conditions: (1) the operational capability of the field mission, regional economic commission or international criminal tribunal would be seriously jeopardized or the lives of United Nations or other personnel would be endangered; and (2) the matter was beyond the reasonable control of the field mission, regional economic commission or international criminal tribunal.[2] Detailed facts substantiating these conditions must be provided, and any presentation that fails to comply with or attempts to circumvent them will not be accepted;

(b) Field missions, regional economic commissions and international criminal tribunals must also submit with their presentation, for approval by the Assistant Secretary-General for Conference and Support Services, the following:

(1) Written authorization from the Chief Administrative Officer or Chief of Administration/Chief Procurement Officer or his/her designee with respect to all ex post facto cases, whether they are required to be submitted to the local Committees on Contracts and/or the Committee, confirming the necessity of the procurement action without the prior approval of all appropriate authorities having been duly obtained and stating the detailed reasons for such decision;

(2) Copies of all documents pertaining to the specific procurement, including, among other things: the requisition; the list of invitees; the invitation to bid, the request for proposals or the request for quotations; all of the bids, proposals or quotations received; the comparative statement and evaluation documents; the written contract, purchase order or other agreement, if applicable; the presentation to the local Committee on Contracts, together with the relevant minutes attached;

(3) As to field missions only, the detailed reasons of the Field Administration and Logistics Division supporting the decision of the field mission.

2. There are two types of cases which commonly come before the local Committee on Contracts and/or the Committee that constitute violations of the United Nations financial rules, namely, (a) fully ex post facto cases and (b) partially ex post facto cases. For the purposes of these guidelines, the two terms shall have the following meanings:

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* Annex C to financial rule 110.17 (see above).

(a) Fully ex post facto is used to define a procurement action in which goods and services have already been fully delivered or performed prior to obtaining the advice of the local Committees on Contracts and/or the Committee and/or the approval of all other appropriate authorities;

(b) Partially ex post facto is used to define a procurement action in which goods and services have been delivered or performed in part prior to obtaining the advice of the Committee and/or the approval of all other appropriate authorities.[3]

For the purposes of such definitions and these guidelines generally, a "procurement action" may, but does not necessarily, include a written contract, purchase order or other agreement.

3. Financial rule 110.17, as amended from time to time by various Under-Secretaries-General for Administration and Management, governs the submission of presentations to the local Committees on Contracts and/or the Committee, as the case may be:

(a) With respect to procurement at Headquarters, as well as locally, which is required to be reviewed and approved by the Procurement and Transportation Division prior to submission to the Committee: any such proposed procurement action in excess of $200,000 (or the specifically delegated monetary procurement limit, if it is less) must first be submitted to the Committee for its advice to, and, if satisfactory, approval by, the Assistant Secretary-General for Conference and Support Services, before an actual commitment can be effected;

(b) With respect to procurement by field missions, regional economic commissions and international criminal tribunals in excess of $50,000 but less than $200,000 (or the specifically delegated monetary procurement limit, if it is less), any such procurement action must first be submitted to the applicable local Committee on Contracts for advice to, and, if satisfactory, approval by, the Chief Administrative Officer, the Chief of Administration or other applicable head of office. Then, in addition to compliance with the above procedures, any local procurement action that is in excess of $200,000 (or the specifically delegated monetary procurement limit, if it is less) must be submitted to the Procurement and Transportation Division for its review and clearance, submission to the Committee and, thereafter, advice to, and, if satisfactory, approval by, the Assistant Secretary-General for Conference and Support Services, before an actual commitment can be effected.

4. However, owing to the nature of the operational environment locally, particularly during the commencement phase, the Chief Administrative Officers or the Chiefs of Administration/Chief Procurement Officers sometimes take a decision to proceed with a procurement action prior to obtaining the advice of the local Committee on Contracts and/or the Committee or both and/or the approval of all other appropriate authorities. Although ex post facto cases clearly contradict the letter of the financial rules, there is a general consensus that they may be tolerated under exceptional circumstances, provided all other United Nations procurement practices and procedures are followed (see, for example, paragraphs 1 (a) and (b) above). However, it deserves emphasis that ex post facto cases should be utilized only in the justifiable and exceptional circumstances set forth above. As a consequence of the increased willingness on the part of the Chief Administrative Officers or the Chiefs of Administration/Chief Procurement Officers to take procurement actions prior to obtaining all of the approvals required by the financial rules, the Procurement and Transportation Division frequently finds itself unaware of procurement

activities that have already taken place until the cases are ultimately submitted to the Committee, often months, and occasionally years, after the fact.

5. At that stage, the Procurement and Transportation Division cannot positively effect the procurement action. Moreover, under these circumstances, the Committee also has little control and can do no more than take note of these presentations for information purposes only; however, it cannot and does not provide advice with respect to them. Ironically, such notation by the Committee is generally treated as a form of retroactive authorization of the commitment in question. As stated above, this is erroneous, as a perversion of the Committee's role, and has the potential for serious financial consequences for the Organization. In short, the system of financial checks and balances for such procurement is being undermined.

6. All officials should be advised of their respective responsibilities and personal accountability for these matters.

## Notes

[1] This annex is a composite of, and has been adapted from, Mr. Sevan's memoranda to Lt. Gen. Eisele dated 11 April 1996 and 11 October 1996, and his memorandum to Mr. Robertson, dated 25 July 1996, all regarding ex post facto presentations to local Committees on Contracts and/or the Committee. The provisions of annex C are applicable to field missions, regional economic commissions and international criminal tribunals.

[2] Claims that field missions, regional economic commissions or international criminal tribunals had more important things to do or were understaffed - to indicate two of the more common excuses given - will not be accepted. In addition, presentations that are more than a year late will be strictly scrutinized.

[3] As provided in financial rule 110.19, "exigency" is used to define a procurement action which, because of some bona fide emergency, "does not permit the delay attendant upon the issue of invitations to bid or the calling for proposals". This exception is very specific and limited as to its applicability. It is not intended to bypass the appropriate approval authorities and should not be utilized in connection with the extension or renewal of contracts.

## DOCUMENT A/51/7/Add.4

## Fifth report

## Integrated Management Information System project

[Original: English]

[5 December 1996]

1. The Advisory Committee on Administrative and Budgetary Questions has considered the eighth progress report of the Secretary-General on the Integrated Management Information System (IMIS) project (A/C.5/51/23). During the course of its consideration of the report, the Advisory Committee met with the Under-Secretary-General for Administration and Management and with other representatives of the Secretary-General, who provided additional information.

2. The Advisory Committee welcomes the Secretary-General's efforts to keep Member States informed of the progress in the implementation of the IMIS project. At the same time, the Committee points out that the report of the Secretary-General would have been more transparent and useful had it contained information on budget performance, personnel and other administrative matters related to IMIS, and a forecast of future requirements, especially in the light of the numerous delays and difficulties reflected in the Secretary-General's report. Information is also necessary on the number and composition of staff working on the project, the vacancy situation in the IMIS team and its impact on the project, contractual status of IMIS staff and redeployment of staff to IMIS. The Committee trusts that the Secretary-General's next progress report on IMIS will include such information.

3. With regard to resource requirements for the project, the representatives of the Secretary-General confirmed, upon enquiry, the understanding of the Advisory Committee that there was no request for additional resources in the eighth progress report. The Committee was also informed that the total expenditure for IMIS was estimated at $76 million, inclusive of maintenance costs during the bienniums 1994-1995 and 1996-1997.

4. As indicated in paragraph 2 of the report of the Secretary-General and in the annex to that report, Release 1 (personnel applications) and Release 2 (personnel entitlements) of the IMIS system were successfully installed at Headquarters in September 1993 and April 1995, respectively, while Release 3 (financial and support services applications) was mostly completed and implemented at Headquarters in April 1996. The Advisory Committee notes that the implementation of Release 3, which is by far the largest and most complex of the system, encountered significant difficulties that required a temporary transfer of resources from Release 4 (payroll, personal insurance management and time and attendance proceeds). On enquiry, the Committee was informed that although difficulties had resulted in delays in the deployment of the system to offices away from Headquarters and in the implementation of Release 4, efforts were being made to compensate for the delays and to complete the installation of IMIS as originally planned. The annex to the Secretary-General's report provides an updated status of the IMIS project.

5. Section III of the report of the Secretary-General contains information on Release 3. The Advisory Committee shares the view of the Secretary-General that it is too early to proceed to a detailed assessment of this release owing to its complexity and to the adjustments that are still under way. The Committee

welcomes the efforts to identify and overcome the implementation difficulties and the fact that, as stated in paragraph 16 of the report, "the system is operational and most of the administrative work at Headquarters is already based on it". Furthermore, the Committee welcomes the increase in the number of users of IMIS: between 1 April and 30 September 1996, more than 1,100 staff members used IMIS, the number of transactions in the system has doubled since 1 April 1996 and the average number of users per day now exceeds 400.

6. As can be seen from paragraphs 20 to 22 of the report, the implementation difficulties relating to Release 3 are a result, in part, of data conversion errors, which, in turn, result from the need to maintain in-parallel some elements of the existing systems until the entire IMIS system has been deployed at all duty stations. The data conversion is done through a complex system of 19 bridges and interfaces between IMIS and the existing systems. The Advisory Committee understands that not only is it extremely difficult to achieve a complete synchronization between the two systems, but it is also highly labour intensive.

7. Information contained in paragraphs 30 to 32 of the report illustrates difficulties associated with the need to maintain bridges and interfaces with the existing systems; as can be seen, significant amounts of time are being spent and considerable efforts are being made to develop and maintain a very elaborate system of interaction between IMIS and existing administrative systems, although the progress in this area, in the view of the Advisory Committee, is still not adequate. The Committee recalls in this connection that the Board of Auditors,[1] for example, pointed to the slow progress in the establishment of a unified management information system for procurement on the basis of IMIS and the upgraded Reality System, and recommended that prompt action be taken to resolve the deficiencies in the Reality System so as to generate comprehensive management information. The Committee shares the view and recommendation of the Board of Auditors.

8. Furthermore, the Advisory Committee points out that attention to the problems and difficulties resulting from the need to maintain bridges and interfaces with the existing systems should not adversely affect the progress on the development and installation of IMIS. The Committee believes that an expeditious implementation of the IMIS project should enhance operational efficiency by reducing dependence on the existing systems and eliminating the need to maintain bridges and interfaces. The Committee was informed, upon request, that it was the intention of the Secretariat gradually to eliminate the bridges and interfaces by the end of 1997.

9. The Advisory Committee welcomes the implementation of Release 1 (human resources) of IMIS at the United Nations Office at Vienna and the Economic and Social Commission for Asia and the Pacific, as well as the plans to complete installation at all duty stations by mid-1997.

10. In paragraphs 49 to 52 of his report, the Secretary-General provides information on training in IMIS operations. In the course of the Advisory Committee's consideration of this issue, it became clear, and the representatives of the Secretary-General acknowledged, that there is a need to strengthen and improve training of staff who hold managerial positions; the Committee recommends that this be done expeditiously. The Committee welcomes the plans, as stated in paragraph 52 of the report, to incorporate training in IMIS into the Training Programme in United Nations Administration conducted by the Office of Human Resources Management. Related to training of users and managers is the question of user support. In this connection, the Committee

requests the Secretary-General to evaluate the effectiveness of its current training programmes and to establish a feedback mechanism by which users are able to communicate regularly with management concerning application problems that are being encountered. There should therefore be an adequate capacity to respond to queries and to provide assistance requested by users.

11. Section VIII of the report deals with the issue of utilization of IMIS by other organizations of the United Nations system and peacekeeping operations; as stated in paragraph 59, the United Nations Development Programme (UNDP) and the International Labour Organization (ILO) "are already using the human resources applications" of the system, while the United Nations Children's Fund (UNICEF) and the Office of the United Nations High Commissioner for Refugees (UNHCR) plan to implement them during 1997. The United Nations Educational, Scientific and Cultural Organization (UNESCO) is installing IMIS for evaluation, while the World Food Programme (WFP), the International Civil Aviation Organization (ICAO) and the World Trade Organization (WTO) are also interested in the project.

12. The Advisory Committee was informed, during its consideration of a UNICEF report on the revised integrated budget for the biennium 1996-1997, that UNICEF planned to develop an integrated financial system for use at headquarters. The Committee was further informed that the Fund was examining the feasibility of modifying IMIS or contracting for an external vendor to develop an integrated financial system for UNICEF. It was pointed out to the Advisory Committee that preliminary estimates developed by a consulting firm indicated that it would not be cost-effective to modify IMIS. The Committee expresses serious concern at the tendency of United Nations entities, funds and programmes, particularly those at the same location, to develop incompatible systems, often without coordination amongst themselves. The Committee points out that Member States have invested heavily in IMIS, and UNICEF must fully justify any proposal to develop its own system. In this connection, the Committee has yet to be provided with justifications that there are insurmountable technical or cost problems for UNICEF to use IMIS for its new integrated financial system at Headquarters. Furthermore, it appears from paragraph 57 of the report of the Secretary-General that there are significant opportunities for the United Nations system to exploit the potential advantages of the IMIS systems at "regional operation centres common to all organizations". The Committee recommends that the Secretary-General make greater efforts to coordinate with all organizations, agencies, funds and programmes of the United Nations system a broader and more extensive use of IMIS applications, with a view to realizing long-term economies in the development, utilization and maintenance of computer-based information systems that adhere to common standards.

13. The Advisory Committee notes from paragraphs 53 to 58 of the report, which deal with long-term maintenance of IMIS, that discussions are taking place with ILO, UNDP, UNHCR and UNICEF to determine the most efficient and economical way to maintain a common system. The Committee recalls that in his seventh progress report on IMIS,[2] the Secretary-General had indicated that it would be feasible to ensure an adequate level of maintenance of the system by providing the maintenance unit with 37 staff. The Committee was provided, upon request, with information on the initial composition (35 staff) of the maintenance unit, reproduced as the annex to the present report. The Committee trusts that as a result of the ongoing discussions with ILO, UNDP, UNHCR and UNICEF on the most efficient and economical way of maintaining the system, every effort will be made to identify, through redeployment, the full complement of staff resources to maintain the system, before proposals are made to request conversion of the current temporary positions to established posts. The Committee requests that the next progress report on IMIS indicate clearly the contribution to the

maintenance of the system by all users of IMIS. In this connection, the Committee trusts that the concept of regional operation centres and the role of all IMIS users in the financing of the centres will be elaborated in detail.

14. The Advisory Committee notes from paragraph 66 of the report of the Secretary-General that concerns are growing with regard to the weaknesses of the technical infrastructure, which already occasionally affect the operations of IMIS at Headquarters and may slow down the growth in the usage of the system at offices away from Headquarters; furthermore, the Committee notes that the Electronic Services Division is working on a plan to upgrade, during the next biennium, the technical infrastructure of the Organization. In this connection, the Committee recalls its observation in paragraph VIII.30 of its first report on the proposed programme budget for the biennium 1996-1997[3] that "much remains to be done in the area of coordination of technological innovations efforts at Headquarters and at its regional offices; there is a need to standardize further electronic equipment and software installed in the United Nations, and to increase the effectiveness and role of the Technological Innovations Board in developing strategy for technological innovations". The Committee trusts that its observation will be taken fully into account by the Secretariat when developing plans for upgrading the technical infrastructure of the Organization.

15. In paragraph 69 of his report, the Secretary-General, while pointing to a number of reviews of the IMIS project conducted both by the Office of Internal Oversight Services and the Board of Auditors, indicated that "scepticism, however, still prevails within the United Nations in spite of the achievements already attained". In this regard the Advisory Committee points out that the reviews of IMIS do not necessarily reflect scepticism by Member States vis-à-vis the project, rather they reflect a lack of information regarding administrative and budgetary aspects of the project. As stated in paragraph 2 above, the eighth progress report does not contain any such information either. In this connection, the Committee recalls that with the recent introduction of Release 3 of IMIS, it requested the Board of Auditors to conduct an updated special audit of the whole project, including cumulative and projected costs, long-term maintenance and client support, with a view to reporting its findings to the General Assembly at its fifty-second session.

16. Subject to the above observations, the Advisory Committee recommends that the General Assembly take note of the eighth progress report on the IMIS project.

## Notes

[1] Official Records of the General Assembly, Fifty-first Session, Supplement No. 5 (A/51/5), vol. I, sect. II, paras. 85-89.

[2] A/C.5/50/30, para. 101.

[3] Official Records of the General Assembly, Fiftieth Session, Supplement No. 7 and corrigendum (A/50/7 and Corr.1).

## ANNEX

## Staff functions provided for the Integrated Management Information System project

### Initial composition of the maintenance team*

| Level | Function |
|---|---|
| Management [5] | |
| D-1 | Chief, project |
| P-3 | Administrative officer |
| GS | Support |
| GS | Support |
| GS | Support |
| Programming [19] | |
| P-5 | Human resource coordinator |
| P-5 | Budget/finance coordinator |
| P-5 | Support services coordinator |
| P-5 | Chief systems analysis/programming |
| P-4 | Systems analyst |
| P-4 | Systems analyst |
| P-4 | Systems analyst |
| P-4 | Systems analyst/programmer |
| P-4 | Programmer |
| P-4 | Programmer |
| P-3 | Systems analyst |
| P-3 | Systems analyst |
| P-3 | Systems analyst/programmer |
| P-3 | Systems analyst/programmer |
| P-3 | Programmer |
| P-3 | Programmer |
| P-3 | Programmer |
| P-2 | Programmer/analyst |
| P-2 | Programmer/analyst |
| Technical [11] | |
| P-5 | Chief, technical support |
| P-4 | Technical support/table maintenance |
| P-3 | Configuration management |
| P-3 | Database administration |
| P-3 | Technical support/UNIX/SYB |
| P-3 | Technical support/reports |
| P-3 | Programmer/reports |
| P-2 | Help desk support |
| GS (Other level) | Report writer |
| GS (Other level) | Report writer |
| GS (Other level) | Local area network (LAN) administration support staff |

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* All staff are funded from general temporary assistance or on loan from within the Department of Administration and Management. For further details, see the sixth and seventh progress reports of the Secretary-General (A/C.5/48/12/Add.1 and A/C.5/50/35).

## DOCUMENT A/51/7/Add.5

### Sixth report

### Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 - Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

[Original: English]

[6 December 1996]

## I. INTRODUCTION

1. The Advisory Committee on Administrative and Budgetary Questions has considered the reports of the Secretary-General on the financing of the requirements for 1997 of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (A/C.5/51/30) and the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 (A/C.5/51/29 and Corr.1). During its consideration of these matters, the Advisory Committee met with the Prosecutor and the Registrars of the Tribunals and with representatives of the Secretary-General, who provided additional information.

2. As indicated in paragraph 4 of the two aforementioned reports, the 1997 budget proposals of the Secretary-General for the Tribunals for the former Yugoslavia and for Rwanda are limited to the present establishment as approved for 1996 and augmented by the minimum items needed to carry out the ongoing work of the Tribunals in 1997. The Advisory Committee notes that the Secretary-General intends to submit revised 1997 budget proposals for the Tribunals, upon conclusion of the reports by the Office of Internal Oversight Services, requested by the General Assembly in resolutions 50/212 C, paragraph 8, and 50/213 C, paragraph 9, of 7 June 1996. The Assembly had requested the Secretary-General to entrust the Office of Internal Oversight Services with the undertaking, without prejudice to their programme of work, an inspection of the Tribunals, "with a view to identifying problems and recommending measures to enhance the efficient utilization of resources, and to report thereon to the Assembly at its fifty-first session".

3. Upon request, the Advisory Committee was informed that the reports of the Office of Internal Oversight Services would be finalized by the end of December 1996. The Secretary-General's revised 1997 budgets for the Tribunals would be submitted subsequently, taking full account of the recommendations contained in the Office's reports. The Committee requests that these revised estimates be submitted for its review by 3 February 1997; they should be issued

as addenda indicating changes to the reports of the Secretary-General contained in documents A/C.5/51/30 and A/C.5/51/29 and Corr.1.

4. In this connection, the Advisory Committee reiterates its request, made in paragraph 3 of its report of 10 April 1996,[1] that the reports of the Secretary-General on the financing of the Tribunals should also specifically make reference to previous recommendations of the Committee, as endorsed by the General Assembly, indicating whether action has been taken and the time framework for full implementation of recommendations. The Committee further reiterates its views in paragraphs 6 and 10 to 13 of that report, which were endorsed by the General Assembly in paragraph 1 of its resolution 50/212 C. The Committee requests the Secretary-General to ensure compliance with its recommendations in formulating the revised budgets.

## II. FINANCIAL REQUIREMENTS FOR 1997 FOR THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA

5. As indicated in paragraphs 2 and 5 of his report, the Secretary-General proposes provisions of $58,863,500 gross ($53,475,800 net) for the financing of the International Tribunal for the Former Yugoslavia for 1997. The proposal includes an increase of $19,173,428 gross ($18,045,178 net) over the total appropriation of $39,690,072 gross ($35,430,622 net) appropriated by the General Assembly for 1996 in its resolutions 50/212 A of 23 December 1995 and 50/212 C.

6. As indicated in table 3 (a) of the report, the Secretary-General's proposed staffing table for 1997 for the Tribunal comprises 373 posts (excluding 11 judges), reflecting an increase of 36 additional posts (15 for the Office of the Prosecutor and 21 for the Registry). As indicated in table 3 (c), in addition to the 337 temporary posts approved for 1996, the Tribunal has 55 gratis personnel as at 31 October 1996. The Advisory Committee was informed that as at 15 November 1996 there were 63 posts vacant, comprising 29 posts in the Office of the Prosecutor (23 Professional and 6 General Service posts) and 34 posts in the Registry (22 Professional and 12 General Service posts).

7. The Advisory Committee was informed of changes in the composition of the Chambers in the past year (see also A/51/292-S/1996/665, para. 6). In this connection, the Committee wishes to recall section IV of General Assembly resolution 50/216 of 23 December 1995, by which the Assembly requested the Secretary-General to address, at the fifty-third session of the Assembly, the issue raised by the Committee in paragraph 14 of its previous report on conditions of service for members of the International Court of Justice.[2] Since the terms of office of some of the Tribunal's judges will expire in 1997 and some of them may not seek reappointment, the Advisory Committee recommends that the Secretary-General, after consulting with the United Nations Legal Counsel, report to the Assembly through the Committee in the context of the addenda to be submitted early in 1997, on how to deal with the issue of the departing judges.

## III. FINANCIAL REQUIREMENTS FOR 1997 FOR THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR GENOCIDE AND OTHER SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF RWANDA AND RWANDAN CITIZENS RESPONSIBLE FOR GENOCIDE AND OTHER SUCH VIOLATIONS COMMITTED IN THE TERRITORY OF NEIGHBOURING STATES BETWEEN 1 JANUARY AND 31 DECEMBER 1994

8. With respect to the International Criminal Tribunal for Rwanda, in his report, the Secretary-General proposes an appropriation of $51,415,200 gross ($46,732,700 net), reflecting an increase of $11,253,300 gross ($10,238,000 net) over the 1996 appropriation for financing the Tribunal in 1997 (see General Assembly resolution 50/213 C of 7 June 1996).

9. As can be seen from table 3 (a) of the report, the Secretary-General's proposed staffing table for 1997 for the Tribunal comprises 403 posts (excluding 6 judges), reflecting an increase of 21 posts over the 382 posts established as temporary posts for 1996. The Advisory Committee notes that, according to table 9 of the report, all the additional posts are for the Registry. The Tribunal has in addition 32 gratis personnel as at 31 October 1996. The Committee was informed that as at 1 November 1996 there were 37 posts vacant, comprising 18 in the Office of the Prosecutor (15 Professional and 3 General Service posts) and 19 in the Registry (12 Professional, 2 Field Service and 5 local staff).

10. During the discussion on staffing issues of the Tribunal, the Advisory Committee was informed of redeployment of authorized posts in the staffing table among the various organizational units of the Tribunal to meet urgent requirements. The Registry had had to borrow posts from other units over and above those on its own staffing table. In this regard, the Committee requests the Secretary-General to address this issue prior to his submission of the report on the Tribunal mentioned in paragraph 3 above. The Secretary-General should provide an up-to-date staffing table for each organizational unit and report on total deployment of resources among units of the Tribunal. The Committee reiterates that the allocation of approved resources should take into account the need to accord high priority to investigation and prosecution.

## IV. CONCLUSIONS

11. The Advisory Committee points out that delays in recruitment have already affected the start-up and follow-up phases of both Tribunals. At the International Criminal Tribunal for Rwanda, recruitment of international staff has also been affected because delegated authority to appoint this class of staff in the name of the Secretary-General has not been granted. In paragraph 7 of its report of 9 April 1996[3] the Committee recommended that consideration should be given to granting the Tribunal for Rwanda delegation of authority in personnel matters. The Committee emphasizes that cost-cutting measures introduced at Headquarters, with a view to realizing across-the-board savings in the Organization's regular budget, should not apply to the Tribunals' special accounts without specific authorization by the General Assembly.

12. Under the circumstances, the Advisory Committee recommends that, pending the receipt of revised estimates for 1997 for the two Tribunals, the General Assembly maintain for 1997 the same appropriation levels approved for 1996 for

the Tribunals but with existing staff calculated at full cost, actual 1997 rental cost and deletion of non-recurrent 1996 costs. In this connection, the Committee points out that it has not pronounced itself on any of the proposals for new posts; all proposals for new posts should be submitted in the context of the revised budgets mentioned in paragraph 3 above.

13. Upon request, the Advisory Committee was informed that requirements for 1997 mentioned in paragraph 12 above would amount to $47,377,100 gross ($42,293,800 net) for the International Tribunal for the Former Yugoslavia and $46,229,900 gross ($41,742,200 net) for the International Criminal Tribunal for Rwanda. Consequently, the Committee recommends that, at the present stage, the General Assembly appropriate these amounts for 1997 for the Tribunals for the Former Yugoslavia and for Rwanda, respectively. The assessment of these amounts could take into account the unencumbered balances as at 31 December 1996. In this connection, the Committee was informed that the projected unencumbered balance for the International Criminal Tribunal for Rwanda, in respect of 1996, was $12 million. As for the International Tribunal for the Former Yugoslavia, the Committee was informed that the unencumbered balance was estimated at $5 million.

14. The Advisory Committee believes, as indicated in paragraph 45 of its report of 10 April 1996,[1] that the resources appropriated and authorized for the Tribunals should be administered with flexibility consistent with the financial regulations and rules of the United Nations. The Committee expects to revert to the issue of the total resources needed by the Tribunals and comment in detail on the matter during its examination of the Secretary-General's reports mentioned in paragraph 3 above.

15. Furthermore, the Advisory Committee recommends that the Secretary-General prepare comprehensive performance reports for 1996, indicating how resources were utilized, including both assessed and voluntary contributions. The report should compare actual expenditures with the amounts budgeted and explain in detail reasons for variations in the application of funds from the original intended purposes.

16. As can be seen in paragraphs 6 and 9 above, both Tribunals are utilizing gratis personnel. The Advisory Committee notes that donors are charged 13 per cent support costs in respect of these personnel. In a previous report on the International Tribunal for the Former Yugoslavia,[4] the Committee recommended that the Secretary-General issue specific guidelines on the requirements for receipt of contributions and application of funds for the International Tribunal for the Former Yugoslavia. In paragraph 9 of its report of 10 April 1996,[1] the Committee pointed out that the Secretary-General has not yet issued specific guidelines for the receipt of contributions and application of funds for the Tribunal, as requested by the General Assembly in paragraph 13 of resolution 49/242 B of 20 July 1995. In paragraph 7 of that report the Committee had stated that the 13 per cent charge was "a policy issue that needs to be addressed by the General Assembly, especially with regard to personnel provided free of charge to the United Nations to occupy posts which would otherwise have been funded from assessed contributions". The Secretary-General has since issued, on 21 November 1996, a report on gratis personnel provided by Governments and other entities (A/51/688). Owing to the late issuance of this report, the Committee is not in a position to complete its consideration of the matter before the end of 1996. It will revert to its consideration of gratis personnel during its winter session (February/March 1997) and in that context will, *inter alia*, make recommendations on this issue as it affects the Tribunals.

## Notes

[1] A/50/925.

[2] Official Records of the General Assembly, Fiftieth Session, Supplement No. 7A (A/50/7/Add.1-16), document A/50/7/Add.11.

[3] A/50/923.

[4] Official Records of the General Assembly, Forty-ninth Session, Supplement No. 7 (A/49/7 and Add.1-14), document A/49/7/Add.12.

## DOCUMENT A/51/7/Add.6

### Seventh report

### First performance report of the Secretary-General on the programme budget for the biennium 1996-1997

[Original: English]

[11 December 1996]

1. The Advisory Committee on Administrative and Budgetary Questions has considered the first performance report of the Secretary-General on the programme budget for the biennium 1996-1997 (A/C.5/51/38). During its consideration of the report, the Committee met with the Controller and other representatives of the Secretary-General, who provided additional information to the Committee.

2. The current estimates of revised requirements for the biennium 1996-1997 amount to $2,602,693,800, as indicated in paragraph 5 of the report of the Secretary-General. These provide for a reduction of $5,580,200 compared with the appropriation of $2,608,274,000 approved by the General Assembly in its resolution 50/215 A of 23 December 1995.

3. As can be seen from the table in paragraph 5 of the report of the Secretary-General, the net reduction of $5.6 million reflects the combined effect of an anticipated reduction of $60.1 million (owing to more favourable rates of exchange than foreseen) largely offset by additional requirements of: (a) $30.9 million resulting from additional mandates[1] approved by the General Assembly after the adoption of the programme budget; (b) $3 million related to commitments authorized under the terms of General Assembly resolution 50/217 of 23 December 1995 on unforeseen and extraordinary expenses; (c) $5.1 million for changes in inflation assumptions; (d) $3.2 million owing to adjustments to standard salary costs; and (e) $12.3 million in connection with the recommendations of the International Civil Service Commission.

4. The Advisory Committee notes from paragraph 17 of the report of the Secretary-General that exchange rate fluctuations account for a reduction of $60.1 million. This reduction is mainly attributable to a strengthening of the United States dollar against the Swiss franc and the Austrian schilling. Schedule 3 of the report provides detailed information on the monthly operational rates of exchange in 1996 for all duty stations.

5. The Advisory Committee recalls that in paragraph 110 of its audit report for the biennium ended 31 December 1995,[2] the Board of Auditors had recommended the adoption of an averaging method for forecasting the operational rates of exchange for the purpose of budget formulation and recosting. As indicated in paragraph 19 of the report of the Secretary-General, the Administration's position on this matter is that "the decision to use the averaging method or the exchange rate for the latest month should be made at the time of each recosting". The Committee notes that the 1996 December rates rather than the 1996 average were considered by the Administration to be less costly for 1997 budget requirements. Following its previous recommendations, the Committee's view on this matter is that the Administration should use such operational rates of exchange in its recosting exercises as would allow for the lowest estimates.

6. An explanation of the estimated requirements of $30.9 million related to additional mandates is contained in paragraphs 9 to 13 of the report of the Secretary-General. The Advisory Committee recalls that the General Assembly, in its resolutions 50/231 and 50/232 of 7 June 1996, requested the Secretary-General to submit, by 1 September 1996, a report containing proposals on possible means of absorption of the cost of additional mandates in the programme budget for the biennium 1996-1997, including, inter alia, in part II thereof and in the area of staff costs where savings might arise from the implementation of the early separation programme during the biennium. The possibility of additional appropriations was also envisaged in resolution 50/231. It is further recalled that the Secretary-General, in paragraph 13 of his progress report of 28 August 1996[3] on the programme budget for 1996-1997, indicated that he intended to submit the requested proposals in the context of the first performance report.

7. The Advisory Committee points out that the Secretary-General's first performance report on the biennium 1996-1997 does not specifically address the question of possible means of absorption of the cost of additional mandates. The representatives of the Secretary-General clarified that the estimated requirements of $30.9 million would be absorbed from savings of $60.1 million resulting from more favourable exchange rates than anticipated, not from savings attributable to the vacancy rate. In this connection, the representatives of the Secretary-General informed the Committee that in order to achieve the savings in the amount of $104 million requested by the General Assembly in its resolution 50/214 of 23 December 1995, a target vacancy rate of 10.4 and 7.5 per cent was being utilized for staff in the Professional and above category and in the General Service category, respectively.

8. The Advisory Committee notes that the estimated provision of $30.9 million will cover the cost of the United Nations activities in Haiti, Guatemala, El Salvador and Rwanda (Commission of Inquiry) during 1996 only and the cost of the meetings of the Conference of the Parties to the United Nations Framework Convention on Climate Change during both 1996 and 1997. Upon enquiry, the Committee was informed that should the mandates of the International Civilian Mission in Haiti, the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala and the United Nations Office of Verification in El Salvador be extended beyond 1996, the question of their financing would be considered in the context of the financing of additional requirements of $17 million related to new mandates referred to in paragraph 7 of the performance report.

9. The Advisory Committee recalls, in this connection, that it was informed in the context of its consideration of the Secretary-General's progress report of 28 August 1996[3] that "the total cost of the new mandates for 1996-1997 is currently estimated at $92 million, of which $37 million will be required for 1996" (see document A/51/7/Add.1 above, para. 35). Taking into account that the revised 1996 requirements for the new mandates amount to $30.9 million, the Committee does not see at this stage how the balance of about $60.1 million relates to the $17 million referred to in paragraph 7 of the performance report. The Committee requests therefore that the Secretary-General clarify this matter. The Committee reiterates its observation that "it is important to remember that General Assembly resolution 41/213 [of 19 December 1986] has been reaffirmed (see, for example, General Assembly resolutions 50/230, 50/231 and 50/232) and continues to apply until the Assembly specifically changes it" (see document A/51/7/Add.1 above, para. 36).

10. The Advisory Committee notes from paragraphs 6 and 7 of the report of the Secretary-General that in response to draft resolutions considered in the Main Committees of the General Assembly at its fifty-first session, the Secretary-General has thus far issued revised estimates and statements of programme budget implications in the amount of $4.5 million, of which $0.4 million will not be covered by the contingency fund; the treatment of $2.7 million in respect of the International Seabed Authority is yet to be decided. The Committee recalls that the General Assembly, in section VIII of its resolution 50/216 of 23 December 1995, noted that a balance of $19.4 million remained in the contingency fund.

11. Together with the amount of $17 million for additional mandates referred to in paragraphs 8 and 9 above, the total additional requirement not factored into the performance report amounts to $21.5 million. The Advisory Committee was provided, on request, with a breakdown, reproduced in the annex below, of these total additional requirements. The performance report does not contain any proposals as to how the additional requirements of $21.5 million will be financed.

12. The Advisory Committee notes from paragraph 12 of the report of the Secretary-General that the 1997 conference-servicing requirements for the meetings of the United Nations Framework Convention on Climate Change are estimated at $3.1 million. The performance report, however, does not indicate the total requirements for conference servicing for 1997, nor does it specify how additional conference-servicing requirements resulting from statements of programme budget implications considered during the fifty-first session of the General Assembly should be treated. The Committee recommends therefore that the Secretary-General provide this information to the Fifth Committee, in the context of its consideration of the performance report.

13. Paragraphs 14 to 16 of the report of the Secretary-General deal with additional requirements of $3 million resulting from unforeseen and extraordinary expenses which fall under the terms of General Assembly resolution 50/217. Of the total of $3 million, an amount of $2.8 million represents commitments certified by the Secretary-General as relating to the maintenance of peace and security, $0.1 million is attributable to commitments certified by the President of the International Court of Justice as relating to unforeseen and extraordinary expenses and $46,500 is attributable to commitments relating to the United Nations share in the financing of interorganizational security measures.

14. With regard to commitments in the amount of $2.8 million authorized by the Secretary-General as relating to the maintenance of peace and security, the Advisory Committee is of the view that when requirements result from recourse to the provisions of General Assembly resolutions on unforeseen and extraordinary expenses, it should be incumbent upon the Secretary-General to make appropriate budgetary proposals if such requirements are later deemed to be of a continuing nature.

15. As far as the additional requirements of $46,500 for interorganizational security measures are concerned, the Advisory Committee points out that as an exception to previous resolutions on the subject, General Assembly resolution 50/217 does not contain provisions which would allow the Secretary-General to authorize commitments for interorganizational security measures without prior concurrence of the Committee. The Committee expects that its concurrence will be requested by the Secretary-General in respect of all 1996-1997 requirements for interorganizational security measures.

16. A net increase of $5.1 million is shown under inflation, reflecting a combined effect of additional net requirements of $7.2 million relating to post adjustment indices and cost-of-living adjustments that were higher than anticipated in respect of a number of duty stations. These were somewhat offset by a net reduction of $2.1 million resulting from a lower than anticipated rate of inflation for objects of expenditure other than posts in respect of most major duty stations, except for New York.

17. As can be seen from paragraphs 23 and 24 of the report of the Secretary-General, a net increase of $3.2 million reflects a combined effect of an increase of $9 million resulting from adjustments to standard salary costs, which was somewhat offset by a decrease of $5.8 million in requirements for standard common staff costs. The increase relating to adjustments to standard salary costs for 1996 reflects the actual average payroll data by category and level of staff at each duty station, while projections for 1997 are based on the trends experienced in 1996. The reduction relating to adjustments in common staff costs is also based on actual experience in 1996 in respect of payments to staff located at Addis Ababa, Amman and Vienna.

18. Net additional requirements of $12.3 million relate to the recommendations of the International Civil Service Commission on remuneration of the Professional and higher categories of staff, dependency allowances and education grants, which are currently under review by the Fifth Committee. These requirements may, if necessary, be amended in the light of the General Assembly decision on this matter.

19. As indicated in paragraph 2 of the report of the Secretary-General, in addition to adjustments resulting from variations in the rates of inflation and exchange and in the standards assumed in the calculation of the initial appropriations, the report takes into account the adjustments that the Secretary-General had proposed in his progress report of 28 August 1996[3] on the implementation of General Assembly resolution 50/214; no changes are proposed in the performance report in respect of the proposals contained in the report of August 1996 and, according to the Secretary-General, there have been no significant developments that would warrant revisions of the amounts included in that report.

20. The Advisory Committee recalls in this connection that in the context of its consideration of the Secretary-General's progress report, the Committee pointed to a number of specific issues that were not adequately addressed in the report, including:

(a) The question of vacancies, their composition and how they have been achieved;

(b) The extent of intergovernmental review;

(c) The question of additional mandates vis-à-vis General Assembly resolutions 50/231 and 50/232;

(d) The question of deferred or postponed programmes and activities (see document A/51/7/Add.1 above, para. 6).

The Committee points out that the foregoing issues remain, almost entirely, to be addressed by the Secretary-General.

21. It is recalled that in paragraph 38 of its report (document A/51/7/Add.1 above), the Advisory Committee recommended that the General Assembly consider and approve revised appropriations, after it has taken action on the proposals submitted by the Secretary-General in his progress report of August 1996. However, as indicated above, numerous questions remain to be answered, including the impact on the 1997 costs of the additional mandates and the outstanding questions raised by the Committee in its report A/51/7/Add.1 above. Under these circumstances, the Advisory Committee is of the view that revised appropriations should be adopted by the General Assembly after the foregoing issues have been addressed by the Secretary-General and considered by the General Assembly.

## Notes

[1] The additional mandates concern the International Civilian Mission in Haiti, the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala, the Conference of the Parties to the United Nations Framework Convention on Climate Change, the United Nations Office of Verification in El Salvador and the International Commission of Inquiry in Rwanda.

[2] Official Records of the General Assembly, Fifty-first Session, Supplement No. 5 (A/51/5), vol. I, sect. II.

[3] A/C.5/50/57/Add.1.

## ANNEX

## Additional requirements

| Subject | Thousands of United States dollars | Document reference |
|---|---|---|
| Documents already issued (A/C.5/51/38, para. 6) | | |
| CONTINGENCY | | |
| Revised estimates (Economic and Social Council) | 1 096.2 | A/C.5/51/20 |
| International action to combat drug abuse, etc. | 290.5 | A/C.5/51/36 |
| Total | 1 386.7 | |
| OUTSIDE CONTINGENCY | | |
| Central American peace process | 391.9 | A/C.5/51/32 |
| TO BE DECIDED | | |
| International Seabed Authority | 2 750.5 | A/C.5/51/21 |
| Grand total: (A/C.5/51/38, para. 6) | 4 529.1 | |
| Anticipated between now and closure of the fifty-first session, in December 1996[a] (A/C.5/51/38, para. 7) | | |
| The mandates concern the following States: Guatemala, Haiti, El Salvador, Afghanistan and Burundi | | |
| Tentative estimates:<br>$17 million - [outside contingency fund]<br>no draft resolutions tabled | | |

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[a] As at 4 December 1996.

# DOCUMENT A/51/7/Add.7*

## Eighth report

## Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

[Original: English]

[28 May 1997]

## I. INTRODUCTION

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on the revised budget estimates for the financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, for the period from 1 January to 31 December 1997 (A/C.5/51/30/Add.1). The revised estimates were submitted pursuant to General Assembly resolution 51/214 A of 18 December 1996. During its consideration of the report, the Advisory Committee met with the Prosecutor and the Registrar of the International Tribunal and with representatives of the Secretary-General, who provided additional information. The Committee also exchanged views with the Under-Secretary-General for Internal Oversight Services on the report of the Office of Internal Oversight Services on the International Tribunal for the Former Yugoslavia (A/51/824, annex).

2. The Advisory Committee recalls that the Secretary-General had intended to submit revised 1997 budget estimates for the International Tribunal upon the completion of the report of the Office of Internal Oversight Services, which was requested by the General Assembly in its resolution 50/212 C of 7 June 1996 (see A/C.5/51/30, para. 4). In paragraph 8 of that resolution, the Assembly had requested the Secretary-General "to entrust the Office of Internal Oversight Services to undertake, without prejudice to its programme of work, an inspection of the International Tribunal, with a view to identifying problems and recommending measures to enhance the efficient utilization of resources". By a note of 11 March 1997 (A/51/824), the Secretary-General transmitted, for the attention of the Assembly, the report of the Office on its review of 1997 resource requirements for the Tribunal. The Committee notes that the Secretary-General concurred with the recommendations contained in the report.

3. The Advisory Committee regrets the delayed submission of the report of the Secretary-General on the revised 1997 budget estimates for the International Tribunal for 1997. The Committee recalls that it had requested that the revised estimates be submitted for its review by 3 February 1997 as an addendum indicating changes to the proposed budget (see document A/51/7/Add.5 above, para. 3). Even allowing for the fact that the report of the Office of Internal Oversight Services was issued on 11 March, the report of the Secretary-General was not actually issued until 12 May 1997.

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* Incorporating document A/51/7/Add.7/Corr.2 of 3 June 1997.

## A. Office of Internal Oversight Services

4. The Advisory Committee notes from paragraphs 3 and 5 of the report of the Office of Internal Oversight Services that the Office examined the detailed budget proposal submitted by the Registrar of the International Tribunal on 10 September 1996, as well as additional information submitted subsequently by the Tribunal, prior to the issuance of the report of the Secretary-General of 15 November 1996 on the financing of the Tribunal (A/C.5/51/30). The budget proposal prepared by the Tribunal, as examined by the Office, amounted to $68,713,500 and reflected an increase of $33,289,900 over the 1996 appropriation and 197 additional posts over the previous authorized staffing level.

5. In paragraph 4 of his report on the revised budget estimates, the Secretary-General indicated that the report took into account observations made by the Office of Internal Oversight Services in its March report on financing the International Tribunal. The Advisory Committee notes that the Secretary-General indicated that as he had not yet had the benefit of the General Assembly's views on that report, it would be prudent to continue on a path of solid growth through the addition of 50 assessed posts and 10 extrabudgetary posts to augment the existing 337 posts so that staffing levels, when the above changes were taken into account, would bring the post levels to 397 by the end of 1997.

6. The Advisory Committee is of the opinion that the Secretary-General should have used the procedure set out in General Assembly resolution 48/218 B of 29 July 1994 and commented on each of the recommendations of the Office of Internal Oversight Services. The Committee points out in particular that the report of the Office examined budget estimates proposed by the International Tribunal before they had been examined by the Secretary-General. In this case, the Secretary-General should have indicated his position on the budget recommendations of the Office in order to avoid potential contradiction and confusion.

## B. General comments

7. The Advisory Committee notes from annex VII to the report of the Secretary-General that an attempt has been made to address previous recommendations of the Committee. The Committee believes, however, that some recommendations have been only partially addressed, while others remain to be implemented. For example, in paragraphs 9 to 11 of its report of 10 April 1996,[1] the Committee recommended that all the personnel and administrative support cost requirements of each organizational unit of the International Tribunal should be fully budgeted, regardless of whether they will ultimately be financed from assessed contributions or from voluntary contributions in kind or in personnel. With reference to its recommendation concerning travel and subsistence benefits in paragraph 16 of that report, the Committee was provided, upon request but after the hearings were completed, with the draft travel and subsistence regulations of the Tribunal. The Committee intends to review them in September 1997, and will return to the overall question of the implementation of its recommendations as approved by the General Assembly when it reviews the next budget estimates of the Tribunal. The Committee had difficulty in evaluating the requests for the Tribunal owing to the lack of justification and analysis for the estimates in the report. It is the opinion of the Committee that requests for new posts and other resources should always be fully justified and explained.

8. The Advisory Committee is of the view that further improvements can be introduced in the format of the document aimed at enhancing its clarity and transparency but without necessarily increasing its length. For example, the description of the activities and resource requirements of the Registry could be explained more clearly. Furthermore whenever possible, data, particularly the workload statistics of various units, should be presented in a tabular format accompanied by a qualitative analysis in support of the requests.

9. The Advisory Committee reiterates its request in paragraph 3 of its report of 10 April 1996[1] that the most up-to-date financial data always be submitted for the financial period preceding the new budget proposal. The Committee regrets that such data were not available on the International Tribunal's 1996 expenditures, which hampered the Committee's evaluation of the proposals. Upon request, the Committee, after the hearings were completed, was provided with an estimate of expenditures for 1996 amounting to $33,911,800 (see annex I to the present report) and a summary of the changes in estimated 1997 resource requirements provided in the report of the Secretary-General on revised 1997 resource requirements (A/C.5/51/30/Add.1) as compared to the estimates in the report of the Secretary-General of November 1996 (A/C.5/51/30) (see annex II to the present report). The Committee was also provided with a forecast of expenditures for the period from 1 January to 30 June 1997 amounting to $20 million. The Committee notes that the expenditure estimate for the first six months was approximately $30 million less than the revised 1997 estimated requirements of $49,983,100. Taking into account the expenditure estimate, the Committee believes that $30 million may not be fully utilized during the remainder of 1997.

10. The budget submission should include, in the expenditure part, the estimated costs of all personnel, including those funded from voluntary contributions in cash or in kind as well as their related support costs. The submission should also contain an income part reflecting all revenue received, including rental income from the Organization for the Prohibition of Chemical Weapons and programme support costs.

11. With regard to extrabudgetary resources of $2,936,200, the Advisory Committee notes that $391,100 is budgeted under the Office of the Prosecutor and $2,545,100 is budgeted under the Registry (see A/C.5/51/30/Add.1, tables 2, 6 and 8). The Committee understands from discussions on the subject that the largest share of extrabudgetary resources is used in support of the activities of the Office of the Prosecutor. The Committee recommends that in the future the report disclose clearly the total resources available to the International Tribunal from support costs charged to donors of voluntary contributions and related reimbursement rates, as well as the basis for calculating the support costs and the criteria and amount of support cost waived. Similarly, the report should indicate by object of expenditure and by organizational unit of the Tribunal the proposed utilization of those resources. In this connection, the Committee points out that the matter of support cost charges is currently under review by the General Assembly.

## II. REVISED FINANCIAL REQUIREMENTS FOR 1997

12. The Secretary-General has proposed revised requirements of $49,983,100 (net) for the financing of the International Tribunal for the period from 1 January to 31 December 1997 (ibid., table 1). In its resolution 51/214 A, the General Assembly had already appropriated the amount of $23,655,600 gross ($21,146,900 net) to the Special Account for the International Tribunal for the

Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 for the period from 1 January to 30 June 1997.

13. The proposed staffing table for 1997 comprises 387 assessed budget posts (excluding 11 judges), reflecting an increase of 50 posts (30 for the Office of the Prosecutor and 20 for the Registry). The staffing of the International Tribunal would also include 10 extrabudgetary posts and, as at 31 March 1997, 51 gratis personnel (ibid., table 3). The Committee was informed that the notional cost of the gratis personnel amounted to approximately $4.6 million. The Committee believes that the cost of those personnel should have been reflected in the budget submission (see para. 10 above). Upon enquiry, the Advisory Committee was informed that as at 30 April 1997 there were 17 vacant posts, comprising 11 Professional posts in the Office of the Prosecutor and 6 Professional posts in the Registry (see annex III to the present report). The Committee notes that vacant posts have been filled by the Tribunal since 15 November 1996 as follows:

Posts filled by the International Tribunal since 15 November 1996

| | Vacant posts as of | | | | Posts filled during the period | |
|---|---|---|---|---|---|---|
| | 15 November 1996 | | 30 June 1997 | | | |
| | Professional | General Service | Professional | General Service | Professional | General Service |
| Office of the Prosecutor | 23 | 6 | 11 | 0 | 12 | 6 |
| Registry | 22 | 12 | 6 | 0 | 16 | 12 |
| Subtotal | 45 | 18 | 17 | 0 | 28 | 18 |
| Total | 63 | | 17 | | 46 | |

14. Upon enquiry, the Advisory Committee was informed that the 1997 estimate in the report of the Secretary-General of 15 November 1996 for 36 new posts ($1,360,400 net) was calculated on the basis of a vacancy rate of 50 per cent for Professional posts and 65 per cent for General Service posts. In the report of the Secretary-General for the period from 1 January to 31 December 1997, the revised 1997 estimate for 50 new posts ($1,140,600 net) was costed at a vacancy rate of 50 per cent for the six-month period only for Professional posts (that is, equal to three months of full funding), and at a vacancy rate of 20 per cent for a six-month period for General Service posts (that is, equal to 4.8 months of full funding). The parameters take into account the assumption that authorization for the establishment of new posts would occur no earlier than June 1997 and that the process of recruiting General Service staff normally occurs at a faster pace than for Professional staff.

## A. The Chambers

15. In paragraphs 23 and 24 of the report of the Secretary-General, the salaries and allowances of the 11 judges of the International Tribunal are estimated at $1,815,000, and their common costs are estimated at $140,000 for expenditures related to installation allowances, removal of household effects

and home leave entitlements. The Advisory Committee notes that the judges will be assisted by 11 legal assistants provided free of charge by the International Commission of Jurists. Upon enquiry, the Committee was informed that the responsibilities of the assistants were necessary to the core function of the Chambers.

16. In paragraph 22 of the report, a provision of $60,000 is requested for consultants and experts, including for related travel expenses, for the services of five amici curiae to prepare briefs specifically solicited by the International Tribunal, pursuant to rule 74 of the rules of procedure and evidence of the Tribunal. The Advisory Committee was informed that as a general rule the Tribunal was not charged for expenses incurred by amici curiae in the performance of their services, particularly when they come forward on their own initiative. However, in the case of justifiable expenses that cannot be borne solely by the amici curiae, such costs are met by the Tribunal. The Committee requests that the process of entertaining offers from amici curiae be monitored and carefully controlled so that the Tribunal is not overwhelmed with such approaches. The Committee reiterates that guidelines governing recourse to and use of expertise in the Chambers should be issued by the Tribunal as requested by the General Assembly in resolution 49/242 B of 20 July 1995.[2]

17. The Advisory Committee recalls that it had recommended that the Secretary-General, after consulting with the United Nations Legal Counsel, report to the General Assembly, through the Committee, in the context of the revised 1997 budget estimates, on how to deal with the issue of the departing judges (see document A/51/7/Add.5, para. 7, above). In this connection, the Committee was informed, upon request, that the Office of Legal Affairs had advised that the terms and conditions of judges should be determined on an ad hoc basis in a pragmatic manner by prorating the benefits on the basis of the proportional length of service and without prejudice to the decision to be taken by the Assembly. The Committee was further informed that a report on the conditions of service of the judges of the International Tribunal would be submitted to the Assembly at its fifty-third session. The Committee has reservations about the procedure followed by the Secretary-General concerning the departing judges since, in its opinion, it was incumbent on the Secretary-General to present proposals to the Assembly in that respect rather than to rely on ad hoc arrangements.

## B. The Office of the Prosecutor

18. The revised 1997 resource requirements for the Office of the Prosecutor amount to $17,298,100, reflecting an increase of $5,120,500 over the 1996 appropriation of $12,177,600. The provision will cover staff and non-staff costs of 191 posts (130 Professional and 61 General Service), including 30 new posts (17 Professional and 13 General Service). In addition, in 1997 the staff of the Office of the Prosecutor includes two General Service posts funded from extrabudgetary resources (one assigned to the Policy and External Relations Section and the other to the Sarajevo office) as well as 27 gratis personnel (see A/C.5/51/30/Add.1, tables 6 and 7). Moreover, as at 31 March 1997, 10 interns had been assigned to the Office of the Prosecutor who were providing research and drafting assistance in matters relating to criminal law, international humanitarian law and human rights (ibid., annex I, para. 4).

19. The Advisory Committee notes from paragraph 28 of the report of the Secretary-General that the 27 gratis staff assigned to the Office of the Prosecutor as at 31 March 1997 are to be reduced to 21 by mid-1997. It is noted

also, in paragraph 15, annex I, to the report of the Secretary-General, that the future need for such staff will be addressed after the General Assembly has reviewed the policy relating to gratis personnel. The Committee's views on the subject of gratis personnel are contained in its report of 28 February 1997, document A/51/813.

20. The Advisory Committee notes in paragraph 27 of the report that, starting in 1996, there has been a major shift in focus towards the second aspect of the Prosecutor's mandate, namely the prosecution of accused persons. According to paragraph 9 of the report, in 1996 the International Tribunal entered a new phase of its work with the commencement of trials. The Committee was informed that as at 28 April 1997 there were eight accused persons (currently detained) awaiting trial. The revised 1997 resource requirements for the Office of the Prosecutor reflect a restructuring of the Office to accommodate this new focus, namely, the regrouping of some units and the establishment of two new units, the Policy and External Relations Section and the Forensic Unit.

21. With respect to the Policy and External Relations Section, the Advisory Committee believes that the responsibilities mentioned in paragraph 31 of the report of the Secretary-General should have been better explained and justified further. The Committee notes in paragraph 32 that the Section comprises five Professional and one General Service post, including the redeployment of one Professional from the Investigation Section. The Committee reiterates its view that resources made available to the Tribunal should be allocated to those areas identified as being of the highest priority, such as prosecution and investigation. The Committee suggests the re-examination of the staffing and role of this Section.

22. The Advisory Committee notes that the nine investigation teams are currently unable to pursue adequately the cases assigned to them owing to a lack of qualified investigators. According to the Office of Internal Oversight Services, in paragraph 37 of its report, one team has been devoted to an ongoing trial and two others were significantly depleted to ensure that the cases of individuals already indicted were ready to go to trial. Currently, there are 22 separate investigations under way, plus three prosecutions involving six accused and two appeals. The Committee was informed by the Prosecutor that at this stage it was not possible to predict additional indictments, arrests and prosecutions in 1998. Although there may be further indictments, it is not certain that they will result in arrests.

23. The Committee notes from paragraphs 35 and 37 of the report of the Secretary-General that the Investigation Section has 105 established posts and that, in addition, 16 gratis staff have been assigned to the Section, of which 15 are assigned to the investigation teams and 1 to the Forensic Unit. For 1997, it is proposed that a forensic unit be established within the Investigation Section.

24. With reference to concerns raised in paragraph 13 to 16 of the report of the Office of Internal Oversight Services, the Advisory Committee was informed that a computer-based assignment tracking system had been developed to assist the Office of the Prosecutor in assessing ongoing investigations, reviewing the quantity and quality of the evidence already collected and evaluating what remains to be accomplished, assigning priorities and establishing deadlines. The Committee welcomes this management tool.

25. From the information provided to the Advisory Committee during the discussions, it believes that the Strategy Team often serves as a "reserve" for

staff to be redeployed to investigations or to trials. The Committee is concerned about the large number of posts remaining on the Strategy Team. In addition to 12 established posts, the Team is assisted by three gratis staff in their capacity as Legal Officer, Investigator and Research Officer, as mentioned in paragraphs 42 and 43 of the report of the Secretary-General. The Committee further notes that the Office of Internal Oversight Services suggested in paragraph 41 of its report that the number of personnel assigned to the Team be kept to a minimum, since they would not be accountable for a definable caseload.

26. The Advisory Committee notes from paragraph 36 of his report that for the investigation teams, the Secretary-General proposes to add 18 new posts (9 P-2/1 Professional and 9 General Service) to the 76 existing posts, as also mentioned in annex III to his report). In view of the level of vacancies (see para. 13 above), the Committee recommends that the nine P-2/1 posts be filled through redeployment in 1997. Any further requirements in this area should be dealt with by the Secretary-General in his submission for 1998. With regard to the nine General Service posts, the Committee is not satisfied with the explanation provided during the discussions. The Committee was informed that data entry was also carried out by personnel in the Information and Evidence Section. Accordingly, the Committee does not recommend approval of those posts at this time. The request could be resubmitted, with adequate justification, in the context of the 1998 budget submission. The Committee requests the Secretary-General to report, in the context of the next estimates, on the elimination of the backlog (which is currently being financed by extrabudgetary funds).

27. The requirements of the Forensic Unit are addressed in paragraphs 38 to 41 of the report of the Secretary-General. In paragraph 40, the Secretary-General proposes the establishment of five new posts (1 P-5, 1 P-4, 2 P-3 and 1 General Service). The Advisory Committee has no objection to that request.

28. As indicated in paragraph 45 of the report of the Secretary-General, with the opening of the liaison field operations offices in Zagreb, Sarajevo and Belgrade, the International Tribunal has gained access to all areas of the former Yugoslavia, facilitating the Prosecutor's operations and investigations in the field. The establishment of one P-2/1 (Operations Officer) and one Local level (Driver) post is proposed for the Zagreb office, and two Investigator (1 P-3 and 1 P-2) posts and one Local level (Driver) post are proposed for the office in Sarajevo. Furthermore, for the Sarajevo office, a new P-2/1 (Communications Officer) post and two General Service posts for a Communications Technician and a Communications Clerk are proposed in paragraphs 79 and 81 of the report. For the reasons noted in the report of the Secretary-General, the Advisory Committee endorses those requests.

29. As indicated in paragraph 51 of the report, a provision of $214,100 would be required for mission subsistence allowances for personnel from the Office of the Prosecutor posted to the liaison field offices in Sarajevo, Zagreb and Belgrade. The Advisory Committee was informed that, previously, mission subsistence allowances were covered from extrabudgetary funds.

30. The Advisory Committee believes that since those assigned to the field are not going to carry out investigations as such, the issue of assigning staff as mission appointees should be reconsidered in order to avoid deploying staff from The Hague and paying mission subsistence allowance. The Committee had difficulty ascertaining the total costs of the field offices, including costs covered by voluntary contributions. The Committee agrees with the statement made by the Office of Internal Oversight Services in paragraph 17 of its report that the presentation of the total costs of the field offices is fragmented.

Upon request, the Committee was provided with a table showing the proposed total staffing and operating costs of the liaison field offices in 1997 (see annex IV to the present report). The Committee requests that in the future the total costs of the field offices be identified clearly in the budget of the Tribunal.

31. Table 6 of the report of the Secretary-General and annex II to the present report indicate that the estimated travel provisions for the Office of the Prosecutor amount to $1,637,800 compared to an appropriation of $1,513,800 for 1996 and an estimated expenditure of $1,453,000 in 1996. The Advisory Committee recognizes that travel remains an important component of the investigations undertaken by the Office of the Prosecutor. However, taking into account its recommendations regarding the additional posts for the investigation teams (see para. 26 above), the Committee believes that travel in 1997 is unlikely to exceed that of 1996 since, as was explained to the Committee, a number of investigators would be actively involved in trial or other activities of the International Tribunal and the Tribunal will be in session throughout the rest of 1997. The Committee recommends that travel provisions at the 1996 level be approved.

## C. The Registry

32. The revised 1997 resource requirements for the Registry amount to $30,335,900, reflecting an increase of $9,142,200 over the 1996 appropriation of $21,193,700. In addition, according to table 8 of the report of the Secretary-General, it is estimated that the amount of $2,545,100 will be administered by the Registry as extrabudgetary resources for 1997. According to table 9, the Secretary-General requests 190 posts for the Registry (68 Professional, 61 General Service and 61 Security Service personnel), of which 20 are new posts (1 P-2/1, 5 General Service and 14 Security Service). In addition, 13 gratis staff were assigned to the Registry as at 31 March 1997.

33. The question of detention facilities is dealt with in paragraphs 61, 92 (d), 96 and 101 to 103 of the report of the Secretary-General. A provision of $726,100 is requested for 1997 for the staff of the Detention Unit (17 guards for the first half of the year and 6 more guards for the second half, for a total of 23 guards). The amount of $99,200 requested for rent due to the host Government for the 24-cell detention facility is based on the assumption that for 1997 the facility will be one-third occupied for the first six months (8 detainees) and one-half occupied for the second half of the year (12 detainees). Other operating costs relating to the detention facilities include $57,100 requested for the construction of a meeting room and of a second, secure exterior exercise yard for detainees, as well as $16,900 for meal supplements and recreational equipment for detainees. Moreover, the Advisory Committee notes that the provision for miscellaneous services ($684,600) includes medical services for detainees. As indicated in paragraph 20 above, as at 28 April 1997, eight detainees awaited trial. From the information provided in the report of the Secretary-General, the Committee is not convinced that there is a clear need for six additional guards in 1997, and therefore recommends against their approval.

34. According to paragraphs 62, 63 and 91 of the report and paragraphs 19 and 20 of annex I to the report the budget proposals, with regard to the protection of victims and witnesses, include provision of $996,400 for travel of victims and witnesses and $53,000 for travel of staff members of the Victims and Witnesses Unit to coordinate arrangements for the support and protection of witnesses. The provisions are based on the assumption that 400 witnesses would

travel to The Hague for the purpose of hearings and trials. The Advisory Committee understands that prior to the completion of an investigation it is not always possible to estimate precisely the number of witnesses that may be required. In this connection, the Committee expects that the travel of witnesses will be carefully coordinated with their scheduled court appearances so that excessive costs will be avoided. The Committee will revert to this matter in the context of the performance report.

35. The Advisory Committee was informed that guidelines were being developed for the reimbursement of the lost earnings of witnesses who testify at the International Tribunal and that procedures are being developed to streamline the administration of this activity. The level of assistance, the Committee understands, will be based on standard amounts relating to the minimum wages of the witnesses' country of origin. The Committee notes that this provision is included under miscellaneous services in paragraph 102 of the report of the Secretary-General.

36. The Advisory Committee recalls that, in respect of the long-term requirements of the work of the International Tribunal, it had requested, in paragraph 43 of its report of 10 April 1996,[1] that information be provided on arrangements for the carrying out of sentences and for the protection of witnesses, including arrangements made with Governments. In this connection, the Committee welcomes the developments mentioned in paragraphs 20 to 23 of annex VII to the report of the Secretary-General. The Committee notes that the standard agreement on the enforcement of sentences, signed by two Member States, provides that all the costs related to the enforcement of a sentence, other than expenses for the transfer to the place of imprisonment, will be borne by the enforcing State. The costs of accepting a limited number of prisoners will be borne by the penitentiary system of a Member State and, as an increment, will be relatively very small.

37. Starting in January 1997, the International Tribunal assumed responsibility for the entire Aegon building, with approximately 19,529 square metres of office and courtroom space, as well as an underground parking area for 335 vehicles. The annual rent of the premises amounts to $2,299,300. The Advisory Committee notes that, according to paragraph 94 of the report and annex VI thereto, a 5,214-square-metre area of the building has been rented for two years to a subtenant, the Organization for the Prohibition of Chemical Weapons, which will pay $425,500 in 1997. The Committee welcomes the arrangements but reiterates the recommendation it made in paragraph 40 of its report of 10 April 1996[1] that the Tribunal should ensure that it does not pay for space that it does not need.

38. The Advisory Committee notes that, in connection with the maintenance of the Aegon building, in paragraph 77 of his report, the Secretary-General proposes the addition of two General Service posts for the Buildings Management Unit of the Tribunal. One post is proposed for a second Maintenance Supervisor and one for a Maintenance/Operations Assistant to oversee contractual maintenance work, cleaning, housekeeping and grounds-keeping of the Tribunal's offices and detention facilities. The Committee also notes that currently the General Services Section has 20 posts whose functions have not been clarified to the Committee. The Committee further notes that the need for those two posts was questioned and that the Secretary-General did not clearly establish their role in relation to the staff of the maintenance company (A/51/824, para. 59). The Committee is not convinced that additional posts are required and recommends that those functions be carried out through redeployment.

39. The Advisory Committee recalls that, as mentioned in paragraph 40 of its report of 10 April 1996,[1] the International Tribunal plans to construct a second courtroom designed for the Appeals Chamber. The Committee was informed that this proposal would be submitted in conjunction with the 1998 budget estimates for the Tribunal. The Committee is of the view that, should there be as many trials in 1998 as foreseen in 1997, then additional court space would be essential to speed up proceedings. It would not be appropriate or advisable, in the opinion of the Committee, to keep the accused in detention for long periods solely for lack of courtroom space. However, the Committee requests the Secretary-General to address the concerns mentioned by the Office of Internal Oversight Services (ibid., paras. 55-57) when he submits his proposal for a second courtroom.

40. The Advisory Committee notes that in paragraph 101 of the report of the Secretary-General, a provision of $10,000 is requested for the construction of a Cashier's office. The Committee sought clarification on this matter in the light of the questions raised in the report of the Office of Internal Oversight Services (ibid., para. 63). The Committee was informed that the travel plans related to the work of the International Tribunal could not be disclosed to travel agents because of the essential confidentiality of the travel of investigators and witnesses. Such confidential travel activities, which often lead to the handling of large amounts of cash, must be handled by certain staff of the Tribunal. In the circumstances, the Committee agrees with the Tribunal's request.

41. A provision of $2,069,300 is requested in paragraph 102 of the report for the rental and maintenance of office furniture and equipment, the rental of vehicles and communications and miscellaneous services. In the opinion of the Advisory Committee, the estimate is excessive and not well justified. For example, the Committee was informed that the provision included rental of a photocopier and a high-volume network printer. However, from the inventory of equipment provided to the Committee as at 11 November 1996, the Committee notes that two high-volume network printers were donated to the International Tribunal. Furthermore, as noted in paragraphs 33 and 35 above, miscellaneous services, which include medical services for detainees and provisions for claims and adjustment by witnesses and detainees, may be in excess of actual requirements. The Committee recommends that this provision be reduced to $1.8 million.

42. Provisions for the acquisition of furniture and equipment are requested in the amount of $1,965,600. The Advisory Committee believes that the estimate may be in excess of the actual requirements of the International Tribunal and driven by highly sophisticated equipment already received by the Tribunal from various donors, as pointed out in paragraph 41 of its report of 10 April 1996.[1] For example, the Committee was unable to ascertain the need for 33 additional workstations. While the Tribunal's equipment inventory shows 342 computers and 48 laptops, the number of new posts requested is 50, and not all new staff would require a workstation. Also, an estimate of $370,000 is included for the installation of satellite earth stations at two field offices, Zagreb and Belgrade, upon the conclusion of United Nations peacekeeping operations in the area. The Committee sought clarification as to the reasons for requesting funds for the procurement of satellite earth stations since United Nations facilities were already in place. The Committee was informed that the Department of Peacekeeping Operations of the Secretariat had decided to dismantle the stations and transport the equipment to other locations upon closure of the peacekeeping facilities. The Committee recommends that the Secretary-General leave the present facilities in place for the use of the Tribunal rather than requesting

Member States to pay for the installation of new satellite earth stations in the same place. The provisions should be reduced to $1.5 million (including the deletion of $370,000 for the installation of two earth stations).

## III. CONCLUSIONS

43. As the General Assembly has already appropriated $23,655,600 gross ($21,146,900 net) for the period from 1 January to 30 June 1997, the Advisory Committee recommends that, on the basis of the comments and recommendations detailed in paragraphs 26, 31, 33, 38, 41 and 42 above, the total appropriation of $48,587,200 (net) be approved for the operations of the International Tribunal for 1997. A total amount of $4,894,000 would be required for staff assessment, to be offset by income from staff assessment of the same amount.

### Notes

[1] A/50/925.

[2] Ibid., para. 17.

## Annex I

## INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991

### Estimated expenditures as at 31 December 1996

(preliminary figures pending closure of accounts)

| Object of expenditure | Chambers | Prosecution | Registry | Total | 1996 appropriation | Balance | 1997 appropriation |
|---|---|---|---|---|---|---|---|
| Temporary posts | 268.2 | 9 251.1 | 6 173.9 | 15 693.2 | 19 973.4 | 4 280.2 | 28 241.8 |
| Salaries and allowances of judges | 1 676.8 | | | 1 676.8 | 1 619.4 | (57.4) | 1 815.0 |
| Common costs of judges | 75.2 | | | 75.2 | 137.4 | 62.2 | 140.0 |
| Other payments | | | | 0.0 | | 0.0 | 414.3 |
| Temporary assistance for meetings | | | 743.1 | 743.1 | 191.7 | (551.4) | 653.4 |
| General temporary assistance | | 53.5 | 173.3 | 226.8 | 704.0 | 477.2 | 827.2 |
| Overtime | 4.2 | 7.3 | 474.0 | 485.5 | 107.0 | (378.5) | 342.5 |
| Consultants and experts | | 96.1 | | 96.1 | 76.7 | (19.4) | 391.6 |
| Travel | 25.9 | 1 453.0 | 640.2 | 2 119.1 | 2 218.0 | 98.9 | 2 824.8 |
| Contractual services | | | 3 686.6 | 3 686.6 | 3 950.0 | 263.4 | 5 205.1 |
| Hospitality | | | 1.1 | 1.1 | 2.9 | 1.8 | 2.9 |
| General operating expenses | | | 4 139.3 | 4 139.3 | 4 251.4 | 112.1 | 6 607.9 |
| Supplies and materials | | | 309.5 | 309.5 | 910.7 | 601.2 | 551.0 |
| Furniture and equipment | | | 1 180.4 | 1 180.4 | 1 288.0 | 107.6 | 1 965.6 |
| Total (net) | 2 050.3 | 10 861.0 | 17 521.4 | 30 432.7 | 35 430.6 | 4 997.9 | 49 983.1 |
| Staff assessment credits | 67.3 | 1 798.9 | 1 612.9 | 3 479.1 | 4 259.5 | 780.4 | 4 965.3 |
| Total (gross) | 2 117.6 | 12 659.9 | 19 134.3 | 33 911.8 | 39 690.1 | 5 778.3 | 54 948.4 |

## Annex II

## SUMMARY OF RESOURCE CHANGES

| | 1997 estimated resources | | |
|---|---|---|---|
| | A/C.5/51/30 | A/C.5/51/30/Add.1 | Difference |
| **Chambers** | | | |
| 1. Temporary posts[a] | 318.9 | 309.9 | (9.0) |
| 2. Salaries and allowances of judges | 1 833.2 | 1 815.0 | (18.2) |
| Pension entitlement[b] | 80.0 | 28.3 | (51.7) |
| Relocation allowance[c] | 133.8 | 167.3 | 33.5 |
| 3. Common costs of judges | 153.5 | 140.0 | (13.5) |
| Installation allowance[d] | 111.6 | 50.0 | (61.6) |
| Removal of household effects[e] | 15.3 | 80.0 | 64.7 |
| Home leave entitlements[f] | 26.6 | 10.0 | (16.6) |
| 4. Overtime[g] | 6.0 | 11.0 | 5.0 |
| 5. Consultants and experts | 0.0 | 60.0 | 60.0 |
| 6. Travel | 13.2 | 13.2 | 0.0 |
| Total Chambers | 2 324.8 | 2 349.1 | 24.3 |
| **Prosecution** | | | |
| 1. Temporary posts[h] | 14 274.1 | 15 068.6 | 794.5 |
| 2. Other payments[i] | | 214.1 | 214.1 |
| 3. General temporary assistance[j] | 30.0 | 50.0 | 20.0 |
| 4. Overtime[j] | 7.0 | 10.0 | 3.0 |
| 5. Travel[k] | 2 227.8 | 1 637.8 | (590.0) |
| Travel for investigations | 1 620.0 | 1 200.0 | (420.0) |
| Travel for witness proofing | 540.0 | 370.0 | (170.0) |
| Other official travel of staff | 67.8 | 67.8 | 0.0 |
| 6. Consultants and experts[l] | 115.0 | 297.6 | 182.6 |
| 7. Contractual services[m] | | 20.0 | 20.0 |
| Total prosecution | 16 653.9 | 17 298.1 | 644.2 |
| **Registry** | | | |
| 1. Temporary posts[n] | 12 840.4 | 12 863.3 | 22.9 |
| 2. Other payments[i] | | 200.2 | 200.2 |
| 3. Temporary assistance for meetings[o] | 108.1 | 653.4 | 545.3 |
| Short-term field interpreters for investigative missions | 55.4 | 55.4 | 0.0 |
| Conference interpreters | 52.7 | 52.7 | 0.0 |
| French verbatim reporters on short-term contracts | | 545.3 | 545.3 |

|  | 1997 estimated resources |  |  |
|---|---|---|---|
|  | A/C.5/51/30 | A/C.5/51/30/Add.1 | Difference |
| 4. General temporary assistance | 777.2 | 777.2 | 0.0 |
| 5. Overtime and night differential | 200.0 | 321.5 | 121.5 |
| Overtime[p] | 200.0 | 257.1 | 57.1 |
| Night differential for security officers[q] |  | 64.4 | 64.4 |
| 6. Consultants and experts[r] | 30.0 | 34.0 | 4.0 |
| 7. Travel | 882.2 | 1 173.8 | 291.6 |
| Travel of victims and witnesses[s] | 797.1 | 996.4 | 199.3 |
| Other travel[t] | 85.1 | 117.4 | 32.3 |
| 8. Contractual services | 6 214.2 | 5 185.1 | (1 029.1) |
| Contractual translation | 85.7 | 85.7 | 0.0 |
| Verbatim reporting (English) | 1 442.4 | 492.0 | (950.4) |
| Defence counsel | 3 332.2 | 3 442.2 | 110.0 |
| Detention facility guards | 878.1 | 726.1 | (152.0) |
| Training | 129.7 | 177.2 | 47.5 |
| External printing | 142.2 | 130.7 | (11.5) |
| Data-processing services | 201.2 | 111.2 | (90.0) |
| News agency services | 2.7 | 20.0 | 17.3 |
| 9. General operating expenses | 6 525.5 | 6 607.9 | 82.4 |
| Rental and maintenance of premises | 4 715.4 | 3 868.7 | (846.7) |
| Other general operating costs | 1 810.1 | 2 739.2 | 929.1 |
| 10. Supplies and materials[u] | 1 476.2 | 551.0 | (925.2) |
| 11. Furniture and equipment | 2 816.5 | 1 965.6 | (850.9) |
| 12. Major alterations to premises | 2 623.9 |  | (2 623.9) |
| 13. Other payments |  | 200.2 | 200.2 |
| 14. Hospitality | 2.9 | 2.9 | 0.0 |
| Total Registry | 34 497.1 | 30 335.9 | (4 161.2) |

(Footnotes on following page)

(Footnotes to table)

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[a] Revised standard salary costs.

[b] In A/C.5/51/30, provision is for four judges at the full rate; in A/C.5/51/30/Add.1, provision is for five judges at the prorated costs (1997).

[c] In A/C.5/51/30, provision is for four judges; in A/C.5/51/30/Add.1, provision is for five judges.

[d] Costing is for four judges plus dependants.

[e] Costing is for four incoming and four outgoing judges.

[f] Costing is for two judges.

[g] Increased requirements.

[h] Revised standard salary costs plus the cost of 30 new posts.

[i] Provision for staff assigned to field offices; costs included under common staff costs as evidenced by the expenditure report of the International Tribunal.

[j] Revised estimates based on actual 1996 and 1997 expenditure pattern.

[k] Revised estimates owing to differences in the exchange rate factor and the pattern of expenditure for 1996 and the first quarter of 1997.

[l] In A/C.5/51/30, estimates were based on 1995 experience; in A/C.5/51/30/Add.1, estimates were based on the assumption of 80 witnesses, including travel and daily subsistence allowance costs.

[m] Following the recommendation of the Office of Internal Oversight Services, provision for training of investigators is proposed to upgrade the investigation skills of the staff.

[n] Revised standard salary costs plus the cost of 20 new posts.

[o] Requirements were originally presented under contractual services in A/C.5/51/30. However, following the recommendation of the Office of Internal Oversight Services, the contractual status of personnel was changed and staff were subsequently hired at the TC-1 and TC-2 levels.

[p] On the basis of the actual 1996 expenditure pattern, it was determined that additional resources would be required for this category of expenditure.

[q] Provision for this expenditure was inadvertently omitted in the proposal of the International Tribunal to the Secretariat. Accordingly, it is being proposed in A/C.5/51/30/Add.1.

[r] The difference is related to travel and related costs at the rate of $2,000 for each of the three consultants.

[s] In A/C.5/51/30, provision is for 300 witnesses; in A/C.5/51/30/Add.1, provision is for 400 witnesses.

[t] Includes increased travel to field offices, attendance at conferences, etc.

[u] The original proposal was revised on the basis of 1996 expenditure patterns and the report of the Office of Internal Oversight Services on data-processing supplies.

## Annex III

## VACANCIES

The following table indicates the location of all vacant posts at the Professional levels as at 30 April 1997, including information on recent recruitment efforts. In the light of those efforts, it is anticipated that the vacancy rate for the Professional level will drop to zero by mid-1997. Currently, no vacancies exist for posts at the General Service level.

### Vacant posts/status of recruitments

| Post/level | No. of posts | Organ/section | Recruitment update |
|---|---|---|---|
| Office of the Prosecutor | | | |
| P-4 (Head of Office) | 1 | Sarajevo Office | Offer made |
| P-4 (Liaison Officer) | 1 | Policy and External Relations Division | Post advertised; applications being reviewed |
| P-3 (Investigator) | 3 | Investigations Section | Presentation to Appointments and Promotions Board |
| P-3 (Legal Adviser) | 2 | Legal Advisory Section | Posts advertised |
| P-2 (Investigator) | 3 | Investigations Section | Presentation to Appointments and Promotions Board |
| P-2 (Intelligence Analyst) | 1 | Investigations Section | Candidates shortlisted |
| Subtotal, Office of the Prosecutor | 11 | | |
| Registry | | | |
| P-3 (Legal Officer) | 1 | Judicial Support Services/ Defence Counsel Unit | Post advertised; applications being reviewed |
| P-3 (Translator) | 1 | Conference and Language Support Services Section | Awaiting results of competitive exam |
| P-2 (Court Deputy) | 1 | Judicial Support Services/ Court Management Services Section | Candidates shortlisted |
| P-2 (Coordinator Audio-Visual Productions) | 1 | Electronic Support Services and Communications Section | Post advertised; applications being reviewed |
| P-2 (Communications Officer) | 1 | Electronic Support Services and Communications Section | Post advertised; applications being reviewed |
| P-2 (Support Officer) | 1 | Judicial Support Services/ Victims and Witnesses Unit | Post advertised |
| Subtotal Registry | 6 | | |
| Total International Tribunal for the Former Yugoslavia | 17 | | |

## Annex IV

## FIELD OFFICES

### A. Staff assigned in field offices

Office of the Prosecutor

| Field office | Professional level | General Service |
|---|---|---|
| Sarajevo | 1 Head of Mission (P-4)<br>1 proposed new post for Investigator (P-3)<br>1 Operations Officer (P-2) (redeployed from Strategy Team)<br>1 proposed new post for Investigator (P-2) | 1 Secretary<br>1 proposed new post for Driver |
| Zagreb | 1 Head of Mission (P-4)<br>1 proposed new post for Operations Officer (P-2) | 1 Secretary<br>1 proposed new post for Driver |
| Belgrade | 1 Head of Mission (P-4) | 1 Secretary |

Electronic Support Services of the Registry

The proposed new posts for Communications Officer at the P-2 level and Communications Technician at the General Service (Other Level) will be assigned to the Sarajevo field office. Support to this office is provided under the supervision of the Communications Coordinator at The Hague.

### B. Total costs of operating field offices

(United States dollars)

| | Sarajevo | Zagreb | Belgrade |
|---|---|---|---|
| Personnel | 934 900 | 351 000 | 211 900 |
| Rental | 96 700 | - | 13 200 |
| Utilities | - | - | 1 000 |
| Cleaning | - | - | 3 800 |
| Communications | 72 000 | 36 000 | 24 000 |

## DOCUMENT A/51/7/Add.8*

### Ninth report

### Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

[Original: English]

[29 May 1997]

## I. INTRODUCTION

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General of 12 May 1997 on the financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 (A/C.5/51/29/Add.1). During its consideration of the report, the Advisory Committee met with the Prosecutor and the Registrar of the Tribunal and with representatives of the Secretary-General.

## II. FINANCIAL REQUIREMENTS FOR 1997

2. By its resolution 51/215 A of 18 December 1996, the General Assembly decided to appropriate to the Special Account for the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 an amount of $23,114,950 gross ($20,871,100 net) for the period from 1 January to 30 June 1997, pending the issuance of the report of the Office of Internal Oversight Services on the audit of the Tribunal conducted in response to Assembly resolution 50/213 C of 7 June 1996. The report of the Office (A/51/789, annex) was issued on 6 February 1997; and the Advisory Committee met with the Under-Secretary-General for Internal Oversight Services to exchange views.

3. The Advisory Committee notes from paragraphs 2 and 3 of the note by the Secretary-General (A/51/789) transmitting the report of the Office of Internal Oversight Services (ibid., annex) that he agreed with the overall findings of the report and that he was committed to closing the gap identified by the Office and taking all required measures to streamline and strengthen the Secretariat's support to the International Criminal Tribunal for Rwanda. In immediate follow-up to the interim recommendations of the Office, additional assistance was being provided to the Tribunal on site, and a more consistent pattern of support was being developed to meet its needs.

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* Including document A/51/7/Add.8/Corr.2 of 9 June 1997.

4. Upon enquiry as to progress in the implementation of the report of the Office of Internal Oversight Services, the Advisory Committee was provided with the information contained in annex I to the present report.

5. With regard to the relationship between the Registry and the Chambers, the Advisory Committee notes that the Office of Legal Affairs has, pursuant to the report of the Office of Internal Oversight Services, prepared a legal opinion, on the relationship between the two organs (see annex II to the present report).

6. As indicated in paragraph 6 of the report of the Secretary-General, revised resource requirements of the International Criminal Tribunal for Rwanda for the period from 1 January to 31 December 1997 amount to $46,435,000 gross ($41,366,600 net), reflecting a net increase of $4,871,900 and an additional 56 posts over the 1996 appropriation and authorized staffing level. The Advisory Committee was provided with the information on initial and revised estimates for the period from 1 January to 31 December 1997 contained in annex III to the present report.

7. The Advisory Committee regrets that a performance report in respect of the period from 1 January to 31 December 1996 was not available. This hampered the Committee's evaluation of the proposals. Upon enquiry, the Committee was informed that expenditure in 1996 amounted to $24,477,800, as compared with the appropriation of $36.5 million net for that year. The estimated expenditure for the period from 1 January to 30 June 1997 amounts to $17.6 million, as compared with an appropriation of $20,871,000 for the same period. The Committee was also informed that the latter estimate is based on expenditure for the first two months of 1997.

8. Upon enquiry, the Advisory Committee was informed that there was a vacancy factor of 22 per cent for Professional posts and 6 per cent for General Service posts. The Committee was also informed that, in the report of the Secretary-General of 15 November 1996 (A/C.5/51/29 and Corr.1), the 1997 estimates for 21 new posts were calculated on the basis of 50 per cent of the annual standard salary costs. In the report of the Secretary-General of 12 May 1997, the revised 1997 estimates for 56 new posts were based on 50 per cent of standard salary costs for the last six months of 1997.

9. With regard to the conditions of service for staff, the Advisory Committee was informed that the United Nations Development Programme (UNDP) had decided to implement an administrative arrangement to pay staff entitlements as if Kigali were a "mission" duty station. The Committee was further informed that consequent upon the action of UNDP the possibility of giving international staff a choice regarding whether they should be compensated under the "mission" approach or as at the family duty station was being considered. In the opinion of the Committee, leaving the staff to decide which status to choose is likely to complicate control and proper management of requirements for pay and allowances. It is also the view of the Committee that the decision of UNDP to change the status of Kigali raises the question of the appropriate procedure to be followed by United Nations agencies in determining the conditions of service of their staff in the same location. In this connection, the Committee believes that there is a need for a review of the matter and the involvement of the International Civil Service Commission.

10. It is the opinion of the Advisory Committee that requests for new posts and other resources should always be fully justified and explained. The Committee had difficulty in evaluating the requests for resources owing to the lack of justification and analysis of the estimates.

11. The budget submission should include, under expenditures, the estimated costs of all personnel, including those funded from voluntary contributions in cash or in kind, as well as the related support costs. The submission should also contain an income section reflecting all revenue received.

12. The Advisory Committee is of the view that further improvements could be introduced in the format of the document to enhance its clarity and transparency, without necessarily increasing its length. Furthermore, whenever possible, data, particularly on workload statistics for various units, should be presented in a tabular format, accompanied by a qualitative analysis in support of the requests. Whenever possible, the budgets of the International Criminal Tribunal for Rwanda and of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 should be standardized.

## The Chambers

13. The Advisory Committee notes from paragraph 14 of the report of the Secretary-General that the International Criminal Tribunal for Rwanda plans to hold two plenary sessions in 1997, one at Arusha and one at The Hague. In the light of the fact that Arusha is the Seat of the Tribunal, it is the view of the Committee that the holding of any plenary session at The Hague should be avoided.

14. The salaries and allowances of the six judges of the International Criminal Tribunal for Rwanda are estimated at $894,400 and common costs of the judges at $19,500 for the education grant requirements of the judges concerned. With regard to the conditions of service of judges, the Advisory Committee recalls, in paragraph 10 of its report of 9 April 1996[1] that since it was anticipated that the judges would take up residence on 1 June 1996 and since no trials had started, the judges were paid a prorated salary on a "when actually employed basis". In this connection, the Committee was informed that the Secretariat had authorized the payment of salaries of judges for the period from 26 June 1995 to 19 June 1996, covering the initial period of their appointment but before they took up their posts. The Committee has serious reservations about the propriety of this action by the Secretariat and requests the Secretary-General to clarify this matter in the context of his next performance report. Moreover, the Committee understands that consideration is being given to the payment of a hardship allowance to judges. The Committee is of the opinion that the conditions of service of the judges are such as to make the payment of such an allowance unnecessary.

15. With regard to the travel and subsistence benefits of judges, the Advisory Committee recommends that, as is the case with the International Tribunal for the Former Yugoslavia, regulations be prepared for the International Criminal Tribunal for Rwanda and submitted to the Committee for scrutiny.

16. The proposed staffing table of the Secretary-General for 1997 for the International Criminal Tribunal for Rwanda, in paragraph 10 and table 3 of his report, comprises 438 posts (excluding 6 judges), reflecting an increase of 56 posts over the 382 posts established as temporary posts for 1996. The Advisory Committee notes that 12 additional posts are for the Office of the Prosecutor and 44 for the Registry. The Committee was informed that as at 23 May 1997 there was an overall vacancy factor of 11 per cent (17 per cent in the Office of the Prosecutor and 9 per cent in the Registry).

Office of the Prosecutor

17. In paragraph 29 of the report of the Secretary-General, the amount of $11,535,600 is provided under staff costs for the continuation of 123 temporary posts authorized in 1996 and 12 new posts. As shown in table 7.B of the report, staffing for the Office of the Prosecutor in 1997 would include 14 extrabudgetary posts, of which 10 are new. The Advisory Committee notes that the Interpretation Service has been transferred from the Office of the Prosecutor to the Registry.

18. The Advisory Committee notes from paragraph 33 of the report of the Secretary-General that on the basis of six trials annually, it is proposed to constitute four Prosecution Teams. For this purpose, it is proposed to augment the present posts of the Prosecution Section with five new posts (four P-4 and one P-3). In view of the priority attached to this function and in the light of the fact that the International Criminal Tribunal for Rwanda has 12 accused in custody, the Committee has no objection to the additional posts being requested.

19. With regard to the status of investigations, the Advisory Committee was informed that while 12 individuals were in custody and pre-trial investigations were nearly completed, 10 other investigations were well advanced, 10 investigations were partially completed and 8 others had just begun.

20. The Advisory Committee notes from paragraph 27 of the report that the security situation in Rwanda since February 1997 has prevented investigators from undertaking missions outside Kigali. In this connection, the Committee was informed during its meetings with the Secretariat that a meeting was taking place at Dar es Salaam to chart out an appropriate strategy.

21. With regard to gratis personnel, the Advisory Committee notes from paragraph 28 of the report that the Office of the Prosecutor plans to continue to utilize the services of gratis personnel in its investigative/analytical functions until such secondment arrangements are terminated with the Governments concerned. The Committee also notes that as of 1 April 1997, there were 33 gratis personnel in the Office of the Prosecutor.

22. The Advisory Committee notes from paragraphs 35 and 36 of the report that the Investigation Section comprises nine multidisciplinary Investigative Teams and would consist of 95 posts (1 D-1, 3 P-5, 22 P-4, 32 P-3, 31 P-2 and 6 General Service). The Committee also notes that the 95 posts include proposals for 4 new posts (1 P-4, 1 P-3 and 2 P-2) for the Witnesses and Victims Liaison Unit. This section would also be supported by 13 (12 P-3 and 1 P-2) posts for investigators and forensic experts funded from the Voluntary Fund, as well as 31 Investigator/Analysts provided as gratis personnel. Bearing in mind the vacancy situation, the Committee recommends that the need for these posts be met through redeployment. If necessary, these posts can be requested again in the budget submission for 1998.

23. As indicated in table 9 of the report of the Secretary-General, a total of 70 security posts are requested for the Registry, showing an increase of 11 posts over the 1996 appropriation. In addition, paragraph 63 of the report states that 42 security posts are to be funded from temporary assistance. The Advisory Committee notes that these requests are being made pending a full review of the recommendations of the recent security assessment of the International Criminal Tribunal for Rwanda. The Committee also notes that the budget contains virtually no information on how the number of security posts being requested was arrived at. While the Committee recognizes the importance

of providing for adequate security, it is of the view that resources must be justified. Pending this justification, the Committee recommends approval of the 11 new security posts but not the additional temporary assistance until the security assessment has been completed.

24. With regard to the Legal Advisory Group, the Advisory Committee notes that the Advisory Group will consist of three new posts (one P-5, one P-3 and one General Service) to be established in Kigali, two existing posts (one P-4 and one P-3) currently based at The Hague as part of the former Legal Services Section and one post in Kigali to be financed from the Voluntary Fund. The Committee also notes that the functions of the Advisory Group would be to provide back-up to the investigation and prosecution work of the International Criminal Tribunal for Rwanda in all matters of criminal and international law and to provide advice to the Prosecutor. The Committee recommends that the three new posts be approved.

25. With regard to information and evidence support, the Advisory Committee notes from paragraph 38 of the report of the Secretary-General that in view of the security situation in Kigali, all original documents and evidence were being transferred to The Hague for safe keeping. The Committee recalls that resources for staff, and the rental and security of temporary premises in The Hague would not be required, as the documents processing centre was being transferred from Washington, D.C., to Arusha directly. The Committee was informed that contrary to what was reported in paragraphs 15 and 26 of its report of 9 April 1996,[1] the centre had been transferred to Kigali and not Arusha. The Committee was also informed that the centre was found unsuitable and the equipment and software were now in storage in Kigali and also that a new design was under development at The Hague. The Committee is seriously concerned at the way resources for this activity are being handled, as it shows lack of proper planning. No convincing reason has been given to the Committee as to why the centre cannot be established at Arusha.

26. In paragraph 39 of the report of the Secretary-General, the amount of $100,000 is requested to provide for testimony by expert witnesses. In view of the upcoming trials, the Advisory Committee has no objection to this request.

27. In paragraph 40 of the report of the Secretary-General, resources estimated at $750,000 are requested to provide for travel within Rwanda, to neighbouring countries and to Europe, North America and the Middle East. The Advisory Committee notes that, owing to restrictions on investigative work within Rwanda, the Prosecutor intends to intensify investigations outside Rwanda. Upon enquiry, the Committee was informed that this estimate is based on 110 trips (72 outside Rwanda and 38 within Rwanda).

28. In the opinion of the Advisory Committee, the amount requested for the travel of investigators within Rwanda appears to be high, especially given the situation in the area. Accordingly, the estimate for the travel of investigators should be reduced from $750,000 to $600,000. Future budgetary submissions should contain detailed proposals containing justification for travel.

### The Registry

29. The Advisory Committee notes from paragraph 52 of the report of the Secretary-General that the Victims and Witnesses Support Section, which was established in mid-1996 from resources in the Voluntary Fund, would be strengthened if the administrative, logistical and physical protection support

to be provided was improved. For this purpose, the International Criminal Tribunal for Rwanda is going to issue a policy and operational manual so as clearly to establish guidelines on the operation of the programme. The Tribunal is also requesting five new posts under the assessed budget (1 P-4, 1 P-3 and 3 General Service), to be augmented by six posts under the Voluntary Fund (two P-3, two P-2 and two Local level). The Committee recommends that the additional five posts be approved.

30. With regard to the policy and operational manual to govern the Victims and Witnesses Support Section, the Advisory Committee requests that it be issued without delay. The Committee also requests that the relevant experience of the International Tribunal for the Former Yugoslavia be explored.

31. The Advisory Committee notes from paragraph 58 of the report of the Secretary-General that Language and Conference Services, which were partly in the Office of the Prosecutor in Kigali, and partly in the Registry in Arusha, have now been consolidated into a single support service under the Registry through the transfer of 39 language posts from the Office of the Prosecutor. The Committee also notes that, in view of the increased responsibilities, there is a proposal to upgrade the position of the Chief of Service from the P-4 to the P-5 level, to reclassify four P-2 posts to the P-3 level and to downgrade two P-4 posts to the P-3 level. In addition, 17 new posts for Local level interpreters are being requested so that they can accompany the investigators on fieldwork in Kigali. With regard to the reclassification of posts, the Committee recommends that the reclassification be approved. In connection with the request for 17 Local level interpreters, the Committee understands that the security situation outside Kigali does not permit investigations to be carried out. The Committee therefore recommends that consideration of these posts be deferred until the 1998 budget.

32. In connection with the travel of the Registrar, mentioned in paragraph 64 (a) of the report of the Secretary-General, the Advisory Committee notes that the requested provision of $200,000 has not been explained. It is the view of the Committee that all travel requirements need to be substantiated and explained. The Committee requests that a detailed explanation of travel requirements be provided to it in the next performance report.

33. Paragraph 64 (c) of the report of the Secretary-General provides for the travel of witnesses ($300,000). The Advisory Committee notes that this estimate is based on six trials in 1997 and 240 witnesses. Upon enquiry, the Committee was informed that three trials were in progress and two trials were to start in the summer. In view of the fact that the International Criminal Tribunal for Rwanda is unlikely to hold six trials in 1997, the Committee believes that this estimate is inflated. Accordingly, the Committee recommends that this estimate be reduced by $30,000 to $270,000.

34. As indicated in paragraph 35 of document A/51/7/Add.7 above, the Advisory Committee recalled that guidelines were being developed for the reimbursement of the lost earnings of witnesses who testified before the International Tribunal for the Former Yugoslavia. In this connection, the Committee recommends that, now that trials have started, guidelines regarding the lost income of witnesses should be prepared for the International Criminal Tribunal for Rwanda.

35. In paragraph 65 of the report of the Secretary-General, the amount of $1,395,000 is requested for defence counsel. The Advisory Committee notes that this estimate is based on six trials and two defence counsels. Upon enquiry, the Committee was informed that three trials were under way and that it was

estimated that two more trials would begin during the summer. The Committee believes that the International Criminal Tribunal for Rwanda will not be able to undertake six trials in 1997. Hence, it is the view of the Committee that the amount of $1,395,000 for defence counsel can be reduced to $1.2 million.

36. In paragraph 64 (b) of the report of the Secretary-General, resources in the amount of $300,000 are requested for the travel of defence counsel. The Advisory Committee notes that this estimate is based on six trials to be held in 1997. In the opinion of the Advisory Committee the amount requested for the travel of defence counsel is inflated, especially given the situation in Rwanda. Accordingly, and taking into account paragraph 35 above, the estimate for the travel of defence counsel should be reduced from $300,000 to $270,000.

37. With regard to the construction of the second courtroom, the Advisory Committee notes from paragraph 36 of the report of the Office of Internal Oversight Services on the audit and investigation of the International Criminal Tribunal for Rwanda (ibid.) that the mismanagement of the project was the fault both of personnel at the Tribunal and at Headquarters. This is regrettable. The Committee notes that there is no information on the construction of the courtroom in the report of the Secretary-General. The Committee was informed that the original project had been discontinued and that new designs were being prepared. The Committee was further informed that after completion of the new designs, invitations for proposals would be issued and a new construction contract signed. The Committee was also informed that no definitive completion date could be given and that a temporary courtroom was being constructed in the present building. The Committee believes that, as the Tribunal has 12 accused in custody, it is essential to complete the construction of the second courtroom as soon as possible. In the meantime, the Committee agrees with the construction of a temporary courtroom in the present building.

38. In connection with the long-term requirements of the work of the International Criminal Tribunal for Rwanda, the Advisory Committee requests information, as in paragraph 36 of document A/51/7/Add.7 above, on arrangements for carrying out sentences and for protecting witnesses, including arrangements made with Governments.

39. In paragraph 68 of the report of the Secretary-General, resources in the amount of $786,000 are being requested for communications. In this connection, the Advisory Committee is seriously concerned about the International Criminal Tribunal for Rwanda's apparent lack of electronic data-processing and communications capacity. For example, the Committee was informed that Arusha still had no e-mail facilities and had to rely on fax and telephone as a means of communicating with Headquarters. In the opinion of the Committee, this situation needs urgently to be addressed.

## III. CONCLUSIONS

40. Taking into account its comments in paragraphs 22, 23, 28, 31, 33, 35 and 36 above, the Advisory Committee recommends that the General Assembly approve an additional appropriation of $22,002,450 gross ($18,703,700 net), bringing the total appropriation to $45,117,400 gross ($39,574,800 net) for the maintenance of the International Criminal Tribunal for Rwanda for 1997.

### Notes

[1] A/50/923.

## Annex I

## INTERNATIONAL CRIMINAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR GENOCIDE AND OTHER SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF RWANDA AND RWANDAN CITIZENS RESPONSIBLE FOR GENOCIDE AND OTHER SUCH VIOLATIONS COMMITTED IN THE TERRITORY OF NEIGHBOURING STATES BETWEEN 1 JANUARY AND 31 DECEMBER 1994

### Note by the Registrar of the International Tribunal for Rwanda dated 14 May 1997 on the implementation of the recommendations of the Office of Internal Oversight Services, as requested by the Advisory Committee on Administrative and Budgetary Questions

1. Action has been taken or initiated to implement all the pertinent recommendations of the Office of Internal Oversight Services as contained in its report to the General Assembly at its fifty-first session (A/51/789, annex). The following is an indicative summary of these actions in the two key areas of the Registry's operations: Administrative services and judicial and legal services.

### A. Administrative Services

2. Action has been initiated to revamp and streamline the Administrative Services through, *inter alia*, the appointment of key supervisory staff and the establishment of clear operational procedures and reporting channels. The following key supervisory staff are now in place: Chief of Administration, Chief of Finance and Chief of the Administrative Unit, Kigali, who is currently serving as Acting Chief of Personnel at Arusha pending completion of recruitment action on the latter post in the next few weeks. In addition, the Deputy Registrar has been appointed and will shortly take up his duties of supervising the Judicial and Legal Services Division (see sect. B below).

#### Staffing issues

3. Most of the problems identified by the Office of Internal Oversight Services in this area will be resolved, for the most part, through the ongoing exercise of establishing and enforcing observance of clear, transparent and well-delineated personnel procedures incorporating the requisite criteria. Such criteria would, for example, in the case of recruitment, include qualifications, language abilities and seniority, all considered against the background of ensuring equitable geographical distribution and gender balance. Additionally, in this context, action is under way to establish the requisite statutory machinery, such as appointment and promotion committees, which will help to ensure fairness and transparency in personnel matters. Also under way, in response to widespread allegations of the recruitment of unqualified staff in the past, is a full-scale review of the profile of each and every internationally recruited staff member against the job description of the post encumbered.

4. Discussions have, at the same time, been initiated with the appropriate authorities at Headquarters, as recommended by the Office of Internal Oversight Services, on ways to improve conditions of service of the International Criminal

Tribunal for Rwanda in order to be able to attract and retain staff of a high calibre.

### Finance

5. Action here has concentrated on bringing financial records and accounts up to date. This is being steadily accomplished, with the books now up to date, up to March 1997. The same process of establishing clear procedures is also under way in this area. In particular, a system of expenditure control through periodic allotments by budget lines is being introduced which will incorporate clear lines of authority, responsibility and accountability.

### Procurement

6. As noted by the Office of Internal Oversight Services, the failure to follow proper procurement procedures has been a major problem, resulting in such undesirable practices as the ex post facto approval of contracts and sole source purchasing. The Office has identified a leading cause of these problems as ignorance on the part of concerned staff, especially those recruited from outside the United Nations system, of United Nations rules and regulations. Action has been initiated to deal with this situation, with specific assistance requested from Headquarters to enable the International Criminal Tribunal for Rwanda to revamp its entire contracts and procurement operation.

### Construction project

7. With the assistance of Headquarters, the project for the renovation of the premises of the International Criminal Tribunal for Rwanda, including construction of a second courtroom, has been put back on track. New architects have been hired and the plans revised and approved. The final construction drawing is expected in the next few weeks, followed by the selection of the contractor through the normal bidding process and commencement of actual construction by September, with completion of work expected by year's end. Efforts are being made, in parallel, to turn space that has already been secured into a temporary second courtroom to be used in the meantime.

### Kigali office

8. The three main problems identified by the Office of Internal Oversight Services are being addressed: (a) weaknesses in the Administrative Unit, (b) the problem of gratis personnel (secondees) and (c) security.

9. On problem (a), the Unit is being reorganized and strengthened, a new chief has been appointed and there will be clear delegation of authority to ensure the effective and efficient day-to-day operation of the Unit.

10. On problem (b), efforts are under way, in consultation with the Prosecutor, to whose Office most of the secondees are assigned, and the concerned donor Governments to "regularize" the situation of the secondees, inter alia, by clarifying their status and bringing them under an appropriate United Nations regime, especially in terms of the observance of staff rules and regulations applicable to United Nations-associated personnel. It is also expected that the number of these gratis personnel will steadily diminish as they are replaced by regular United Nations staff.

11. On problem (c), action has been initiated to enhance security for personnel of the International Criminal Tribunal for Rwanda in Kigali along the lines

recommended by a security assessment mission dispatched from Headquarters in March this year. Measures include the recruitment of additional security officers and closer supervision of the locally contracted security services.

## B. Judicial and legal services

12. The main difficulty with respect to the legal and judicial support functions of the Registry is the inadequacy of resources to sustain an effective and efficient service to the Chambers of the International Criminal Tribunal for Rwanda. The reference here is to the legal staff required not only to cover court sittings and the management functions of the Tribunal but to provide sufficient legal research capability to facilitate the work of the judges, including in the writing of opinions and decisions. Furthermore, there remains a whole range of functions pertaining to the Registry other than direct support to the court proceedings that demand legal expertise. These include work to support the defence counsel, oversee the detention facilities, operate the witnesses' and victims' support programme as well as undertake general legal functions related to agreements with Member States and support contractual and procurement transactions by the Administration.

13. Currently, the Registry is doing its level best to meet these responsibilities with existing staff, but it is impossible not to worry about the situation that will soon arise when, as indicated above, the second courtroom becomes available, thus enabling both Chambers of the Tribunal to operate simultaneously, trying cases in parallel. This will certainly stretch the existing legal staff to the limit.

14. The positive developments that have taken place in recent weeks and which augur well for the work of this unit include: the appointment and imminent entry on duty of the Deputy Registrar; the establishment of an effective and well-received arrangement for providing support to defence counsel; promising results from efforts under way to obtain the services of additional court stenographers in order to speed up production of transcripts of court proceedings; and adoption of measures designed to strengthen the witnesses and victims support programme, inter alia, through augmenting the resources of the unit, broadening the expertise available to it, and streamlining its operational procedures for greater flexibility and responsiveness.

## C. Relations among the three main organs: the Chambers, the Office of the Prosecutor and the Registry

15. The report of the Office of Internal Oversight Services highlighted the issue of poor working relations among the heads of the three main organs of the International Criminal Tribunal for Rwanda, and particularly the open conflict that appeared to exist between the Registrar on the one side and the President and judges of the Chambers on the other.

16. The situation can definitely be said to have improved markedly with the entry on duty of the new Registrar. Every effort has been made by all parties to establish a new cordial and cooperative working relationship based on mutual respect for each other's statutory functions and mandate. Regular consultative meetings are now being held by the Registrar with the President and bureau of the Chambers, as well as with the entire body of judges, at which issues arising in the work of the International Criminal Tribunal for Rwanda are discussed and any problems resolved. The judges have repeatedly expressed to the Registrar

their satisfaction and gratification at the relationship now existing between them and the Registry. There is every reason to believe that this situation will continue into the future.

17. Finally, an important ingredient in clarifying and stabilizing the relationship between the Registry and the Chambers is the legal opinion provided by the Office of Legal Affairs, pursuant to the report of the Office of Internal Oversight Services, delineating the proper functions and responsibilities of each. The opinion, in essence, reaffirms the common-sense understanding of the functional structure established by the statute of the Tribunal, that is, the judges' role is to try cases, the Prosecutor's role to prosecute them and the Registrar's role to administer the Tribunal, in accordance with United Nations rules and regulations, and in support of the work of the Chambers and the Prosecutor. As requested by the Advisory Committee on Administrative and Budgetary Questions, a copy of the opinion of the Office of Legal Affairs is attached herewith for reference.

Agwu U. OKALI
Registrar
International Criminal
Tribunal for Rwanda

## Annex II

## NOTE DATED 29 APRIL 1997 BY THE UNDER-SECRETARY-GENERAL FOR LEGAL AFFAIRS ON THE RESPECTIVE ROLES OF THE JUDGES AND THE REGISTRAR OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR GENOCIDE AND OTHER SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF RWANDA AND RWANDAN CITIZENS RESPONSIBLE FOR GENOCIDE AND OTHER SUCH VIOLATIONS COMMITTED IN THE TERRITORY OF NEIGHBOURING STATES BETWEEN 1 JANUARY AND 31 DECEMBER 1994

1. Pursuant to the report of the Office of Internal Oversight Services, the Office of Legal Affairs was requested to prepare guidelines on the respective roles of the judges and the Registrar of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994. Although, in principle, there should be little room for confusion, the Office has nevertheless set out below the principal functions of the judges and the Registrar as provided for in the statute[1] and the rules of procedure and evidence,[2] and underscored the areas of interaction between them.

2. The International Criminal Tribunal for Rwanda consists of three separate organs: the Chambers, comprising two Trial Chambers and an Appeals Chamber, the Office of the Prosecutor and the Registry. Elected by the General Assembly, the judges are charged with the judicial function of the Tribunal. The Prosecutor, appointed by the Security Council, upon nomination of the Secretary-General, is responsible for the investigations and the prosecutions before the Trial Chambers and the Appeals Chamber. The Prosecutor acts independently as a separate organ of the Tribunal, and is not to seek or receive instructions from any Government or from any other source (art. 15, para. 2, of the statute of the Tribunal). The Registrar is appointed by the Secretary-General and is answerable to him under the Staff Regulations and Rules of the United Nations. In the administration of the Tribunal, however, he acts in the service of the Chambers and the Prosecutor, and is ultimately responsible for the Office of the Registry. He has a general responsibility to ascertain that the rules of the Organization are applied by the staff of the Tribunal which is a subsidiary organ of the Security Council.

### A. The role of the judges

3. The statute of the International Criminal Tribunal for Rwanda,[1] like that of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991,[3] does not spell out in detail the judicial functions of the judges. The report of the Secretary-General on the statute of the International Tribunal for the Former Yugoslavia[4] provides in general terms that the function of the judicial organ is to hear the cases presented to its Trial Chambers and consider appeals from the Trial Chambers in its Appeals Chamber.

4. The rules of procedure and evidence, which establish in detail the organization of the International Criminal Tribunal for Rwanda, the functions of

the respective organs and the stages of the legal process, contain a short description of the functions of the judges and the President.

5. Accordingly, rule 24 of the rules of procedure and evidence of the International Criminal Tribunal for Rwanda provides that judges shall meet in plenary meeting to:

(a) Elect the President and Vice-President;

(b) Adopt and amend the rules;

(c) Adopt the annual report provided for in article 32 of the statute;

(d) Decide upon matters relating to the internal functioning of the Chambers and the Tribunal;

(e) Determine or supervise the conditions of detention;

(f) Exercise any other functions provided for in the statute or in the rules.

6. Rule 19 of the rules of procedure and evidence provides that:

> "The President shall preside at all plenary meetings of the Tribunal, coordinate the work of the Chambers and supervise the activities of the Registry as well as exercise all the other functions conferred on him by the statute and the rules". [Emphasis added.]

Such other functions include notifying the Security Council of a refusal of a State to cooperate with the Tribunal (rule 61 of the rules of procedure and evidence) and deciding upon pardon and commutation (art. 27 of the statute; rule 125 of the rules of procedure and evidence).

## B. The role of the Registrar

7. Article 16 of the statute of the International Criminal Tribunal for Rwanda provides that the Registry shall be responsible for the administration and servicing of the Tribunal.

8. The responsibilities of the Registrar are elaborated in paragraph 90 of the report of the Secretary-General on the International Tribunal for the Former Yugoslavia.[4] They include public information and external relations; preparation of minutes of meetings; conference-service facilities; the printing and publication of all documents; all administrative work, budgetary and personnel matters; and serving as the channel of communications to and from the International Tribunal.

9. Rule 33 of the rules of procedure and evidence of the International Criminal Tribunal for Rwanda sets out the functions of the Registrar as follows (an identical provision is contained in rule 33 of the rules of procedure and evidence of the International Tribunal for the Former Yugoslavia):

> "The Registrar shall assist the Chambers, the plenary meetings of the Tribunal, the judges and the Prosecutor in the performance of their functions. Under the authority of the President, he shall be responsible

> for the administration and servicing of the Tribunal and shall serve as its channel of communication". [Emphasis added.]

10. The rules of procedure and evidence confer upon the Registrar specific functions, such as authority over the Victims and Witnesses Unit (rule 34), taking minutes of the plenary meetings of the Tribunal and of the sittings of the Chambers (rule 35), keeping a record book (rule 36), keeping records of all proceedings and preserving physical evidence (rule 81), establishing a list of counsel and assigning them to indigent suspects or accused (rule 45).

11. A fully elaborated description of the functions of the Registry can be found in the Directive for the Registry (in particular the part dealing with the Judicial Department, Court Management and Support Services), prepared by the Registry of the International Tribunal for the Former Yugoslavia and approved by the judges of that Tribunal. The Directive regulates the activities of the Registry and its contacts with the Chambers and the parties in proceedings before the Tribunal, and represents the understanding of both the judges and the Registrar of their respective roles.

12. In the view of the Office of Legal Affairs, the Directive presently applicable in the International Tribunal for the Former Yugoslavia should guide the work of the Registry of the International Criminal Tribunal for Rwanda pending the preparation of a similar directive by the judges and the Registry. A clear and mutually agreed-upon delineation of roles and functions would avoid conflicting interpretation of the statute and the rules of procedure and evidence with regard to the respective authorities and responsibilities of both organs.

### C. Joint functions or areas of interaction

13. The practice of the International Criminal Tribunal for Rwanda revealed that conflicting views had arisen, not so much in areas of responsibility which were clearly distinguished, but in the interaction between the judges and the Registry. The key to the delimitation of the respective roles of both organs lies in the bona fide interpretation of rules 19 and 33 of the rules of procedure and evidence, and in the understanding of the scope of the authority of the President and his supervisory role over activities of the Registry.

14. In the view of the Office of Legal Affairs, the supervisory role of the President should be understood in a general sense of oversight, rather than direct authority or responsibility. In the practice of the International Tribunal for the Former Yugoslavia, the relationship between the judges and the Registrar is essentially one of cooperation, consultation and guidance by the President, but not "supervision" in any hierarchical sense. Within this meaning, the President's authority or supervision should extend to the functions of the Registry in the service of the Chambers (schedules of hearings, assignment of defence counsel and the functioning of the Victims and Witnesses Unit and Detention Unit). The President may not, however, exercise a supervisory role in respect of the Registry's functions performed in the service of the Prosecutor or in the administration of the Registry itself. Similarly, in all matters relating to staff, premises, equipment, procurement and payment, the Registrar is solely responsible for the proper application of the Staff Regulations and Rules and Financial Regulations and Rules of the United Nations. It goes without saying, however, that the Registrar would consult with the judges in matters that concern staff who work directly for them, such as the

appointment of legal officers serving the Chambers and legal assistants working with the judges, or in other matters that are of direct concern to the judges.

15. The foregoing does not constitute an exhaustive list of functions which both the judges and the Registrar may be called upon to perform in their daily work. No pre-determined formula could be established to avoid conflicts in borderline cases, and much would depend on the spirit of cooperation demonstrated by those concerned. The distinction outlined in paragraph 2 above should serve as guidance in this respect.

## Notes

[1] Security Council resolution 955 (1994), annex.

[2] www.ictr.org/rules/htm. The text of the rules of procedure and evidence is available in English and French only.

[3] See Official Records of the Security Council, Forty-eighth Year, Supplement for April, May and June 1993, document S/25704, annex.

[4] Ibid., document S/25704.

## Annex III

### COMPARISON OF INITIAL AND REVISED ESTIMATES FOR THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR GENOCIDE AND OTHER SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF RWANDA AND RWANDAN CITIZENS RESPONSIBLE FOR GENOCIDE AND OTHER SUCH VIOLATIONS COMMITTED IN THE TERRITORY OF NEIGHBOURING STATES BETWEEN 1 JANUARY AND 31 DECEMBER 1994 FOR THE PERIOD FROM 1 JANUARY TO 31 DECEMBER 1997 BY OBJECT OF EXPENDITURE

| | The Chambers | | Office of the Prosecutor | | The Registry (Programme support) | | Total | |
|---|---|---|---|---|---|---|---|---|
| Object of expenditure | Initial | Revised | Initial | Revised | Initial | Revised | Initial | Revised |
| Salaries, allowances and common costs of judges | 913.9 | 913.9 | 0.0 | 0.0 | 0.0 | 0.0 | 913.9 | 913.9 |
| Temporary posts | 1 122.7 | 990.7 | 13 690.1 | 11 535.6 | 18 035.9 | 17 113.0 | 32 848.7 | 29 639.3 |
| Other staff costs | | | | | 4 494.7 | 2 063.0 | 4 494.7 | 2 063.0 |
| General temporary assistance | 0.0 | 0.0 | 0.0 | 0.0 | 4 422.7 | 2 013.0 | 4 422.7 | 2 013.0 |
| Overtime, night differential, compensatory time | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 50.0 | 0.0 | 50.0 |
| Temporary assistance for meetings | 0.0 | 0.0 | 0.0 | 0.0 | 72.0 | 0.0 | 72.0 | 0.0 |
| Consultants | 0.0 | 0.0 | 132.0 | 150.0 | 0.0 | 0.0 | 132.0 | 150.0 |
| Travel | 255.5 | 166.4 | 750.0 | 750.0 | 600.0 | 800.0 | 1 605.5 | 1 716.4 |
| Contractual services | | | | | 3 883.2 | 1 724.6 | 3 883.2 | 1 724.6 |
| External printing | 0.0 | 0.0 | 0.0 | 0.0 | 2.5 | 30.0 | 2.5 | 30.0 |
| Contractual security services | 0.0 | 0.0 | 0.0 | 0.0 | 281.0 | 299.6 | 281.0 | 299.6 |
| Defence counsel | 0.0 | 0.0 | 0.0 | 0.0 | 3 599.7 | 1 395.0 | 3 599.7 | 1 395.0 |
| Hospitality | 0.0 | 0.0 | 0.0 | 0.0 | 2.9 | 5.0 | 2.9 | 5.0 |
| General operating expenses | | | | | 1 753.7 | 2 427.9 | 1 753.7 | 2 427.9 |
| Rental of premises | 0.0 | 0.0 | 0.0 | 0.0 | 665.4 | 711.3 | 665.4 | 711.3 |
| Maintenance of premises | 0.0 | 0.0 | 0.0 | 0.0 | 124.0 | 124.0 | 124.0 | 124.0 |
| Utilities | 0.0 | 0.0 | 0.0 | 0.0 | 292.0 | 285.7 | 292.0 | 285.7 |
| Miscellaneous services | 0.0 | 0.0 | 0.0 | 0.0 | 207.4 | 320.9 | 207.4 | 320.9 |
| Communications | 0.0 | 0.0 | 0.0 | 0.0 | 264.1 | 786.0 | 264.1 | 786.0 |
| Maintenance and repair of vehicles | 0.0 | 0.0 | 0.0 | 0.0 | 200.8 | 200.0 | 200.8 | 200.0 |
| Supplies and materials | 0.0 | 0.0 | 0.0 | 0.0 | 636.9 | 955.6 | 636.9 | 955.6 |
| Furniture | 0.0 | 0.0 | 0.0 | 0.0 | 50.0 | 50.0 | 50.0 | 50.0 |
| Equipment | 0.0 | 0.0 | 0.0 | 0.0 | 411.2 | 1 720.9 | 411.2 | 1 720.9 |
| Total | 2 292.1 | 2 071.0 | 14 572.1 | 12 435.6 | 29 868.5 | 26 860.0 | 46 732.7 | 41 366.6 |

## DOCUMENT A/51/7/Add.9

### Tenth report

### Construction of additional conference facilities at Addis Ababa

[Original: English]

[31 July 1997]

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on the construction of additional conference facilities at Addis Ababa (A/C.5/51/37/Add.1), which provides information on the outcome of recent discussions between the United Nations and the contractor at Addis Ababa on the settlement of time delays and financial claims, as well as additional costs arising from the telephone system contract.

2. The Secretary-General estimates the total project cost at approximately $115.2 million, an increase of about $7.6 million over the appropriation of $107.6 million approved by the General Assembly. Furthermore, the Secretary-General proposes to apply the interest accrued from the construction-in-progress accounts of the Economic Commission for Africa (ECA) and the Economic and Social Commission for Asia and the Pacific (ESCAP) to offset the increased costs of the Addis Ababa project. As indicated in paragraph 10 of the report of the Secretary-General, the total interest that would be available to meet additional costs over and above the appropriation of $107,576,900 would be $7,911,373.

3. The Advisory Committee notes from paragraph 4 of the report that a final settlement in European Currency Units of ECU 77.2 million ($94.3 million at May 1997 rates) was agreed by the United Nations and the contractor on 5 May 1997. The Committee was informed, upon request, that the amount of claims initially submitted by the contractor totalled ECU 103 million, broken down as follows:

(a) ECU 73 million for the value of the works;

(b) ECU 12 million for exchange rate fluctuations;

(c) ECU 18 million for the financial consequences of delays allegedly imposed or caused by the United Nations.

4. The Advisory Committee was informed that, as at 10 May 1997, the unpaid balance of the agreed settlement of ECU 77.2 million amounted to ECU 6.2 million. In accordance with the terms of the settlement agreement, this amount would be paid no later than 30 September 1997.

5. Furthermore, as indicated in paragraph 8 of the report of the Secretary-General, in addition to claims by the contractor of the project, the contractor of the telephone system intends to submit a financial claim for extra work and time delays. The Secretary-General anticipates, however, that should such a claim be submitted by the telephone contractor, the amount could be covered within the estimated final cost of the project.

6. As follows from the first part of paragraph 9 of the report of the Secretary-General, the final cost of the project ($115.2 million) may not, in fact, be really final since it is subject to settlement of the anticipated

telephone claim and variations resulting from exchange rate fluctuations. However, the last sentence of the same paragraph indicates that there would be an increase of $7,651,594 (at the May 1997 exchange rate) over the amount of $107,576,900 approved by the General Assembly, which adds up to $115.2 million, the estimated total cost of the project. The Advisory Committee was provided, upon request, with a clarification of paragraphs 8 and 9 of the report of the Secretary-General. It has been explained to the Committee that, based on the information available at the time of the report, the estimate of $115.2 million was the best estimate of the total cost of the project, in view of a claim yet to be received from the telephone contractor and exchange rate fluctuations. The Secretary-General, in stating in paragraph 8 of his report that he anticipated that the amount of the claim could be covered within the estimated cost of $115.2 million, had already factored in an amount he considered to be a justifiable claim or justifiable claims irrespective of the contractor's position.

7. As indicated in paragraph 10 of the report, the Secretary-General proposes to apply the interest accrued from the construction-in-project accounts of ECA and ESCAP to offset the increased costs of the Addis Ababa project, thereby obviating the need for an additional appropriation from the General Assembly for the project. The Advisory Committee points out, in this connection, that regulation 4.1 of the Financial Regulations and Rules of the United Nations provides the following:

> "The appropriations voted by the General Assembly shall constitute an authorization to the Secretary-General to incur obligations and make payments for the purposes for which the appropriations were voted and up to the amounts so voted."

The Committee is of the view, therefore, that an increase of $7,651,594 (at the May 1997 exchange rate) over the amount of $107,576,900 previously approved by the General Assembly should be considered in the context of the mechanism of additional appropriations, rather than in the context of the use of available funds. The Committee points out that the main purpose of construction-in-progress accounts is to allow for carry-overs. Accrued interest on such accounts should normally be credited to income section 2 of the budget.

8. In view of its above considerations and comments, the Advisory Committee recommends that the General Assembly authorize an additional appropriation of $7,651,594 for the construction of additional conference facilities at Addis Ababa over the appropriation of $107,576,900 previously approved for the project. Furthermore, the Committee recommends that the additional appropriation of $7,651,594 be funded through the use of the interest accrued from the construction-in-project accounts of ECA and ESCAP, thus obviating the need for an additional assessment. The Committee notes the recommendation in paragraph 11 (c) of the report of the Secretary-General that a full report on the construction at Addis Ababa, in the context of the progress report on the construction of additional conference facilities at Addis Ababa, be requested and that he issue it to the Assembly at its fifty-second session.

# Annex

## REPORTS PRESENTED ORALLY BY THE CHAIRMAN OF THE ADVISORY COMMITTEE ON ADMINISTRATIVE AND BUDGETARY QUESTIONS AT MEETINGS OF THE FIFTH COMMITTEE

This list provides a reference to the summary records of the meetings of the Fifth Committee at which the Chairman of the Advisory Committee on Administrative and Budgetary Questions presented oral reports.

The left column indicates the item addressed in an oral report and the right column indicates the symbol of the document in which the summary record of the corresponding meeting appears.

Summary records of meetings of the Fifth Committee during the fifty-first session of the General Assembly have been published as Official Records of the General Assembly, Fifty-first Session, Fifth Committee, 1st-74th meetings (A/C.5/51/SR.1-54, 55 and Add.1 and 56-74), and corrigendum.

| Item | Document symbol |
|---|---|
| Revised estimate resulting from resolutions and decisions of the Economic and Social Council at its organizational and substantive sessions of 1996 | A/C.5/51/SR.32, paras. 49-52 |
| Programme budget implications of draft resolution A/51/L.18 relating to the situation in Central America: procedures for the establishment of a firm and lasting peace and progress in fashioning a region of peace, freedom, democracy and development | A/C.5/51/SR.39, paras. 60 and 61 |
| Request for a subvention to the United Nations Institute for Disarmament Research | A/C.5/51/SR.39, para. 77 |
| Programme budget implications of the draft resolution relating to international drug control submitted by the Third Committee in its report A/51/611 | A/C.5/51/SR.39, paras. 85-90 |
| Programme budget implications of draft resolution A/51/L.57 relating to the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala | A/C.5/51/SR.44, paras. 4-6 |
| Programme budget implications of draft resolution A/51/L.58 relating to the United Nations Office of Verification in El Salvador | A/C.5/51/SR.44, paras. 16 and 17 |

| Item | Document symbol |
|---|---|
| Programme budget implications of draft resolution A/51/L.49B relating to the United Nations Special Mission to Afghanistan | A/C.5/51/SR.44, paras. 27-31 |
| Programme budget implications of draft resolution A/51/L.63 relating to the International Civilian Mission in Haiti | A/C.5/51/SR.45, paras. 1-4 |
| Programme budget implications of draft resolution A/51/L.69 relating to the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala | A/C.5/51/SR.54, paras. 1-11 |
| Human resources management | A/C.5/51/SR.63, paras. 2-8 |